

REVIEW NUMBER

# Congressional Digest



Washington, D. C.

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## The 67th Congress

Convened April 11, 1921. Expired March 4, 1923

FIRST SESSION began April 11, 1921. Recessed August 24, 1921, until September 21, 1921. Adjourned November 23, 1921.  
SECOND SESSION began December 5, 1921. Recessed June 30, 1922, until August 15, 1922. Adjourned September 22, 1922.

THIRD SESSION began November 20, 1922. Adjourned December 4, 1922.

FOURTH SESSION began December 4, 1922. Expired March 4, 1923.

### IN THE SENATE

96 members

59 Republicans      37 Democrats

### IN THE HOUSE

435 members

297 Republicans      130 Democrats  
1 Socialist      7 Vacancies

## The 68th Congress

Will Convene December 3, 1923

### IN THE SENATE

96 members

53 Republicans  
42 Democrats  
1 Farmer-Labor

### IN THE HOUSE

435 members

223 Republicans      206 Democrats  
1 Farmer-Labor      1 Socialist  
1 Independent      7 Vacancies

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## The Congressional Digest

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ALICE GRAM, Editor

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THE  
CONGRESSIONAL  
DIGEST

Vol. II

MARCH, 1923

No. 6

Final Outcome of the Steering Committee Program  
of the Past Year

**A**T a joint meeting of the Republican Steering Committees of the Senate and House on January 25, 1922, the following program of legislation was formulated and scheduled for action during the remainder of the 67th Congress. This list first appeared in the February, 1922 number of the CONGRESSIONAL DIGEST and has been augmented from time to time by subsequent meetings of the Steering Committees. The following explanation of "Steering Committee" appears in the CONGRESSIONAL DIGEST Glossary of Legislative terms:

"The Steering Committee is made up of leading members of the majority party selected by the party Committee on Committees and ratified or confirmed in party conference. This Committee formulates the program of business and the order in which it shall be considered."

The CONGRESSIONAL DIGEST has been guided in its choice of bills to be discussed by this "program of business" followed by Congress, and a consecutive report on the progress made by Congress on the Steering Committee bills has appeared regularly each month. The final outcome of these measures which comprised the leading issues before the 67th Congress during the past year was as follows:

Agricultural Relief Legislation

Soon after the opening of the fourth session on December 4, 1922 the Steering Committee added to its program the rural credit legislation recommended by President Harding in his annual message to the Congress. The Capper bill (S. 4280) was the first to reach the Senate and was promptly passed on January 19, 1923. This was followed a few days later by the Lenroot bill (S. 4287) which was passed on February 2. The bills were referred in the House to the Committee on Banking and Currency where a number of similar House bills were pending. In order to facilitate action on these bills before Congress adjourned, the House Committee drew a composite bill which contained provisions of the Capper bill, the Lenroot, and the Strong bill (H. R. 14270) which had passed the House a few days previously. The composite bill which carried the Capper bill number, S. 4280, was passed by the House and sent to conference on March 1. The conference report was agreed to by both houses the day before Congress adjourned and the bill was signed by the President the same day. A digest of the provisions of this bill will be printed in the April number. The Capper and Lenroot bills were discussed in the January, 1923 number of the CONGRESSIONAL DIGEST.

Annual Appropriations Bills for 1923 and 1924

Work on the 1923 appropriations was completed on June 28, 1922 and on the 1924 appropriations on February 21, 1923. The respective amounts of these bills as approved by the President follows:

COMPARATIVE STATEMENT OF THE AMOUNTS\* APPROPRIATED FOR 1923 AND 1924.

| Title                     | Appropriations for 1923 | Appropriations for 1924 |
|---------------------------|-------------------------|-------------------------|
| Treasury Dept.            | \$118,844,828           | \$115,386,510           |
| State and Justice Depts.  | 28,676,921              | 33,250,421              |
| Commerce and Labor Depts. | 25,703,693              | 26,295,501              |
| Navy Dept.                | 294,353,473             | 294,456,528             |
| Agriculture Dept.         | 46,929,173              | 69,536,653              |
| Interior Dept.            | 297,212,065             | 294,674,710             |
| Post Office Dept.         | 564,174,566             | 584,872,991             |
| District of Columbia      | 22,851,609              | 22,778,915              |
| Independent Offices       | 538,510,922             | 496,634,371             |
| War Dept.                 | 330,074,738             | 336,347,204             |
| Legislative Establishment | 14,504,164              | 12,706,071              |

\* These figures do not include Permanent annual appropriations. Such appropriations are those which occur automatically each year without annual action, having been created by Congress in previous years. They are as follows: \$1,326,151,093 for the Treasury Department, \$106,000 for the State Department, \$28,000 for the Department of Justice, \$3,000 for the Department of Commerce, \$25,000 for the Department of Labor, \$2,130,050 for the Navy Department, \$12,220,000 for the Department of Agriculture, \$28,349,500 for the Interior Department, \$1,512,843 for the District of Columbia, \$6,511,495 for Independent Offices, \$6,743,321 for the War Department, \$800 for Legislative Establishment.

Anti-Lynching

The Dyer Anti-lynching Act (H. R. 13) which passed the House on January 20, 1922 became the target for a Democratic filibuster in the Senate and was finally laid aside by conference agreement without reaching a vote. This measure was discussed in the March, 1922 number of the CONGRESSIONAL DIGEST.

Adjustment of Foreign Loans

On February 9, 1922 the World War Foreign Debt Commission was established by act of Congress to arrange for the funding of the foreign debt to the United States. The Commission consisted of Secretary Hughes, Secretary Mellon and Secretary Hoover, Senator Smoot (R., Utah) and Representative Burton (D., Ohio). The first report of the Com-

## THE CONGRESSIONAL DIGEST

mission contained in the annual report for 1922 of the Secretary of the Treasury was printed in the December, 1922 number of the CONGRESSIONAL DIGEST. On February 7 President Harding appeared before a joint session of the Senate and House to urge immediate action by Congress on the proposal to fund the British debt which had been submitted to Congress by the Commission in a bill (H. R. 14254) introduced in the House by Representative Burton and in the Senate by Senator Smoot, member of the Commission. The measure was passed and approved by the President on February 28 and the Commission is now engaged in completing arrangements with the British government. An amendment to the bill passed provided for the appointment of three Democrats to the Commission. The new members appointed are Representative Crisp of Georgia and former Representative Olin of Massachusetts. Senator Glass of Virginia and Senator Simmons of North Carolina were appointed in turn and both declined. The third Democratic appointee has not yet been announced. An account of the settlement of the British debt appeared in the February, 1923 number of the CONGRESSIONAL DIGEST.

### Liberian Loan

The Liberian Loan Act (H. J. Res. 270) providing for a loan of \$5,000,000 to Liberia passed the House on May 10, 1922 and was reported to the Senate on May 31. The Act failed to receive final action during the second session but was made the unfinished business of the Senate in the special session. On November 27 the Senate voted to recommit the act without instructions and the measure was lost.

### Reclamation of Arid Lands

The McNary-Smith bills (S. 2540—H. R. 10614) "providing rural homes and employment for soldiers through the reclamation of arid lands" were both favorably reported from committee and placed on the Senate and House calendars. The provisions of the McNary bill were later incorporated in an amendment to the Soldier Bonus bill. When the Bonus bill failed S. 2540 reverted to its place on the Senate calendar. No further action was taken on the reclamation bills by either house.

### Reclassification of Government Employees

The Sterling-Lehlbach bill (H. R. 8928) for reclassification and a revision of salary schedules in the civil service was passed by Congress just before adjournment. The bill passed the House on December 15, 1921 and was reported to the Senate from the Senate Committee on Civil Service on February 6, 1922 when it was further referred to the Committee on Appropriations for consideration of the salary schedules. On February 24, 1923 the Appropriations Committee reported the bill with various changes and it was again referred to the Committee on Civil Service. Two days later that Committee reported it favorably to the Senate and it was passed on March 2, 1922. The Conference report was agreed to by both houses on March 3 and the bill was signed the same day by President Harding. (A full discussion of the Civil Service system of the Government and the changes effected by this bill will appear in the April number of the CONGRESSIONAL DIGEST. The Reclassification bill as it passed the House on December 15, 1921 was discussed in the February, 1922 number of the CONGRESSIONAL DIGEST.)

### Reorganization of the Government Departments

A Joint Committee on the Reorganization of the Administrative branch of the Government was established by act of Congress approved December 29, 1920. The Committee was composed of three Senators and three Representatives and an appointee of the President's who was made chairman of the Committee. In January, 1921 the chairman of the Committee presented a preliminary plan of reor-

ganization to the President and the matter was laid before the Cabinet. On February 13, 1923 President Harding transmitted to the chairman a chart exhibiting in detail the present organization of the Government and the changes suggested by the President and the Cabinet. This chart and the President's letter of transmittal were presented to Congress on February 16 by Senator Smoot, vice-chairman of the committee, and printed as Senate Document 302. On February 17 the Senate passed a resolution (S. J. Res. 282) extending the life of the Committee, to which the House agreed on March 2, two days before final adjournment. The members of the Joint Committee on Reorganization are as follows: Walter F. Brown, representing the President, chairman; Senator Smoot (R., Utah) vice-chairman, Senator Wadsworth (R., N. Y.), Senator Harrison (D., Miss.), Representative Mapes (R., Mich.), Representative Temple (R., Penn.), and Representative Moore (D., Va.).

The Towner-Sterling bill to establish a Federal "Department of Education," the Fess-Capper bill for the promotion of physical education, and the Fess-Kenyon bill to establish a Federal "Department of Public Welfare" were held without action by the Committees having them in charge pending the report of the Joint Committee on Reorganization of the Government Departments. The reorganization changes suggested by the President and Cabinet, mentioned above, call for a new "Department of Education and Welfare." These three bills were discussed in November and December, 1921, numbers of the CONGRESSIONAL DIGEST.

### Ship Subsidy

President Harding's recommendations for building up the American Merchant Marine by Government subsidy were first presented to Congress on February 28, 1922 and embodied in the Greene-Jones bills H. R. 10644—S. 3127. The Greene bill, H. R. 10644, was favorably reported to the House on June 16, 1922 with some committee amendments and a new number (H. R. 12021), but no further action was taken during the second session. On November 20 President Harding called Congress into extraordinary session and addressed a joint session of the Senate and House to urge the passage of the shipping bill. On the same day a new bill was reported to the House for action. Although it carried a new number (H. R. 12817) it was similar to the bill previously reported with the addition of new committee amendments. The new bill passed the House on November 29 and reached the Senate from the Senate Committee on Commerce on December 9, 1922. Although the shipping bill held its position as the unfinished business of the Senate for many weeks it failed to reach a vote and finally succumbed to a determined filibuster launched against it and was laid aside.

### Soldier Bonus

The Soldier Bonus bill (H. R. 10874) providing adjusted compensation for World War Veterans was passed by the House on March 23, 1922 and by the Senate on August 31, 1922. The conference report was finally agreed to by the House on September 14 and by the Senate on the following day. On September 19 the bill was vetoed by President Harding. On September 20, the last day of the second session, the House passed the bill over the President's veto, but the Senate voting on the same day sustained the veto, with the result that the bill was lost. The Bonus bill was discussed in the June, 1922 number of the CONGRESSIONAL DIGEST.

### Tariff Bill

Work on the Fordney-McCumber Tariff bill (H. R. 7456) "to provide revenue and regulate commerce with foreign countries" was completed by Congress on September 19, 1922 and was signed by the President two days later. The Tariff was discussed in May, 1922 number of the CONGRESSIONAL DIGEST.

### Treaties

The "Yap" treaty and the six treaties negotiated at the Conference on Limitation of Armament were ratified by the Senate as follows:

1. The "Yap Treaty," relative to the United States cable rights on the island of Yap, which was negotiated between the United States and Japan, outside of the conference, was ratified by the Senate on March 1st.

2. On March 24, the "Four-Power Pacific Treaty" was ratified.

3. On March 27 the declaration was ratified, accompanying the Four-Power Treaty reserving American rights in mandated territory, also an agreement supplementary to the

Four-Power Treaty defining the application of the term "insular possessions and insular dominions" as relating to Japan. This supplemental agreement is sometimes referred to as a treaty, but is not a separate treaty in the strict sense.

4. The covenant of "limitation to naval armament" between our Republic, the British Empire, France, Italy and Japan and

5. The treaty between the same powers in relation to the use of submarines and noxious gases in warfare were ratified on March 29.

6. The "nine-power treaty," relating to principles and policies to be followed in matters concerning China—and

7. The treaty between the same nine powers relating to Chinese customs tariff were ratified on March 30.

## Outcome of Measures Previously Discussed In Addition to Steering Committee Program

### Child Labor Amendment

During the 67th Congress a number of resolutions were introduced proposing amendments to the Constitution granting Congress the power to pass laws prohibiting child labor. The Senate Committee after having held hearings on a number of resolutions on this subject reported out a compromise resolution, S. J. Res. 285, on Feb. 24, 1923. The same resolution was introduced by Rep. Foster in the House as H. J. Res. 458 on Feb. 20, 1923, and was reported out by the Committee on the Judiciary Feb. 23, 1922. Congress adjourned without further action upon either. For full discussion see the February, 1923, number of the CONGRESSIONAL DIGEST.

### Dog Exemption Bill

The Myers bill (S. 758) "to exempt dogs from vivisection" was introduced by Senator Myers of Montana on April 15, 1921. It was referred to the Committee on the Judiciary but no further action was taken. A full discussion of the bill is given in the December, 1921 number of the CONGRESSIONAL DIGEST (The Capitol Eye). Senator Myers, who has been endeavoring to obtain similar legislation since the 66th Congress, retires with this Congress. The Dog-Exemption measure must therefore obtain a new sponsor in the coming 68th Congress.

### Muscle Shoals

The Muscle Shoals project was discussed in the Oct., 1922 number of the CONGRESSIONAL DIGEST. No final action was taken by Congress on the various proposals relating to Muscle Shoals. On February 15, 1923, the House Committee on Rules refused to bring out a rule to permit a vote on the Ford offer. The War Department appropriation bill for 1924 approved on March 2, 1923, carried an additional appropriation "for the continuation of the work on Dam Numbered 2 on the Tennessee River at Muscle Shoals, Alabama, \$6,998,800: Provided, That the Secretary of War may enter into a contract or contracts for such machinery, gates, or other metal parts and for such materials to be used in the construction of the locks, dam, and powerhouse as may be necessary to prosecute the said project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$10,501,200, exclusive of the amounts herein and heretofore appropriated."

### The New Naturalization Bill

The New Naturalization bill (H. R. 10860) was discussed in the April, 1922 number of the CONGRESSIONAL DIGEST. This bill which was introduced March 11, 1922 by Representative Albert Johnson, Washington, Chairman of the House Committee on Immigration and Naturalization, was not reported out by the Committee. Two important features in this measure providing for the registration of aliens, and to equalize the citizenship status of men and

women were embodied in the following bills: H. R. 14430 "To provide for the enrollment and Americanization of aliens and for other purposes" was introduced by Representative Vaile on Feb. 26, 1923. This bill was referred to the Committee on Immigration and Naturalization and was not reported out. H. R. 12022 "Relative to the naturalization and citizenship of married women," was introduced by Representative Cable on June 14, 1922. It passed the House on June 20, and the Senate on September 9, and was approved September 22. Public Law No. 346.

### Prohibition of Peyote

The Hayden bill (H. R. 2890) to suppress the traffic in "peyote," the Indian drug, a full discussion of which appeared in the February, 1922 number of the CONGRESSIONAL DIGEST, was introduced April 13, 1921 by Representative Hayden but was not reported out by the Committee on Indian Affairs. The Interior Department Appropriation bill for 1924 (H. R. 13359) however, carried the following clause "for the suppression of traffic in intoxicating liquor, deleterious drugs and peyote among the Indians," with an appropriation of \$25,000, and no point of order being raised to the item, as heretofore, it was retained. The Bureau of Indian Affairs of the Interior Department will have charge of the appropriation.

### Re-apportionment Bill

The Siegel Re-apportionment bill (H. R. 7882) was discussed in the January, 1922 number of the CONGRESSIONAL DIGEST. This measure, which provides "for the re-apportionment of Representatives in Congress under the Fourteenth Census," was introduced by Representative Siegel July 21, 1921. It was reported from the House Committee on the Census July 29, 1921 (Report No. 312), debated and recommitted to the same committee on October 14, 1921, and was not again reported out.

### St. Lawrence Seaway

The St. Lawrence project was discussed in the Sept., 1922 number of the CONGRESSIONAL DIGEST. Legislation providing for American participation in the St. Lawrence Seaway project was introduced by Representative Chalmers as H. J. Res. 262 on January 23, 1922, and H. R. 10226 by Representative Mapes on Feb. 1, 1922. Both measures were referred to the House Committee on Interstate and Foreign Commerce on June 3, 1922, and were not reported out. In reply to a letter addressed to the British Ambassador at Washington by the Secretary of State on May 17, 1922, the British Ambassador stated on June 3, 1922, that the "Canadian Government is of the opinion that it is not considered expedient to deal with this matter at the present time." No further action has been taken and the matter at present awaits a decision of the Canadian Parliament.

## New Public Laws

### Complete List of Public Bills and Resolutions Passed by 67th Congress During Third and Fourth Sessions, November 20, 1922–March 4, 1923

*Became laws on dates given below. For list of laws passed during the Second and Third Sessions see October issue, page 26.*

#### Agriculture

*Feb. 23, 1923.* Issuance of licenses to inspect agricultural products stored in any warehouse for shipment. S. 3220. Public law No. 436.  
*Feb. 26, 1923.* Defining crop failure in production of wheat, rye, or oats in drought-stricken regions by those who borrowed money from Government. S. 2023. Public law No. 447.

#### Army

*Mar. 3, 1923.* To validate certain payments made to National Guard and reserve officers and warrant officers. H. R. 14077. Public law No. 532.

#### Banks

*Dec. 28, 1922.* To amend section 5211 of U. S. Revised Statutes (reports by associations to Comptroller of the Currency). H. R. 8996. Public law No. 376.

*Feb. 6, 1923.* Amending Federal Reserve Act as amended by Act of June 3, 1922, construction of buildings for Federal reserve banks not to exceed \$250,000. S. 4390. Public law No. 405.

#### Civil Service

*Mar. 3, 1923.* Proposing payment to certain per diem employees of U. S. for Nov. 11, 1921. J. H. Res. 256. Public resolution No. 99.

*Mar. 3, 1923.* "Sterling-Leibbach bill"—Classification of employees in classified civil service. H. R. 8928. Public law No. 516.

*Mar. 3, 1923.* Providing bonus and additional compensation for employees in Government service. H. R. 14435. Public law No. 544.

#### Claims

*Dec. 28, 1922.* Claims for damages to private property arising from collisions with naval vessels. H. R. 5349. Public Law No. 374.

*Dec. 28, 1922.* Method of settling claims against Government of U. S. not exceeding \$1,000. H. R. 7912. Public law No. 375.

*Jan. 22, 1923.* To authorize Secretary of Treasury to act upon claim of William Dall. H. R. 7658. Public law No. 383.

*Feb. 20, 1923.* To satisfy award made against United States favoring certain Norwegian claims. H. J. Res. 440. Public resolution No. 91.

#### Coast Guard

*Jan. 12, 1923.* To distribute commissioned line and engineer officers of Coast Guard in grades. H. R. 10531. Public law No. 381.

#### Coinage

*Jan. 24, 1923.* Coinage of 50-cent pieces in commemoration Monroe doctrine. S. 4096. Public law No. 391.

*Feb. 26, 1923.* Coinage of 50-cent pieces commemorating three-hundredth anniversary of settling of New Netherland, the Middle States, in 1624. S. 4468. Public law No. 440.

#### Compensation Act

*Mar. 3, 1923.* Amending the employees compensation act relative to defining its provisions. H. R. 14226. Public law No. 537.

#### Congress

*Nov. 28, 1922.* To provide for certain expenses incident to 3d session of 67th Congress. H. R. 12859. Public law No. 365.

*Dec. 19, 1922.* Authorizing payment of salaries of officers and employees of Congress for Dec., 1922, on the twentieth day of that month. H. J. Res. 408. Public resolution No. 77.

*Jan. 25, 1923.* Pay to clerks to Members of Congress and Delegates. H. J. Res. 16. Public resolution No. 82.

*Feb. 10, 1923.* Salaries of Senators appointed to fill vacancies. S. J. Res. 248. Public resolution No. 87.

*Mar. 3, 1923.* Carrying out provisions of resolution providing a legislative clerk for the acting minority leader. H. J. Res. 465. Public resolution No. 103.

#### Drugs

*Mar. 2, 1923.* Limiting the production of habit-forming drugs. H. J. Res. 453. Public resolution No. 96.

#### Executive Departments, Independent Establishments and Commissions

*Jan. 5, 1923.* To consolidate work of collecting, compiling, and publishing statistics of foreign commerce of U. S. in Dept. of Commerce. S. 3295. Public law No. 379.

*Jan. 3, 1923.* Appropriations for Departments of State and Justice and for Judiciary. H. R. 13232. Public law No. 377.

*Jan. 3, 1923.* Appropriations for Treasury Dept. H. R. 13180. Public law No. 378.

*Jan. 5, 1923.* Appropriations for the Departments of Commerce and Labor. H. R. 13316. Public law No. 380.

*Jan. 22, 1923.* Appropriations for Navy Dept. and Naval Service. H. R. 13374. Public law No. 384.

*Jan. 22, 1923.* Deficiency appropriation for 1923. H. R. 13615. Public law No. 385.

*Jan. 22, 1923.* Vacancies in Board of Regents, Smithsonian Institution. S. J. Res. 251. Public resolution No. 80.

*Jan. 24, 1923.* Appropriations for Dept. of Interior. H. R. 13359. Public law No. 395.

*Feb. 9, 1923.* Sugar Equalization Board, Inc., to take over 13,902 tons of sugar imported from Argentine. S. J. Res. 12. Public resolution No. 86.

*Feb. 13, 1923.* Appropriations for Executive office and sundry independent executive bureaus, etc., for fiscal year ending June 30, 1924. H. R. 13696. Public law No. 409.

*Feb. 14, 1923.* Appropriations for Post Office Dept. H. R. 13593. Public law No. 415.

*Feb. 15, 1923.* U. S. Sugar Equalization Board, Inc., to take over and dispose of 5,000 tons of sugar imported from Argentine. S. J. Res. 79. Became law without President's signature. Public resolution No. 89.

*Feb. 20, 1923.* Appropriations for Legislative Branch of Government. H. R. 13926. Public law No. 431.

*Feb. 26, 1923.* Department of Agriculture appropriation bill. H. R. 13481. Public law No. 446.

*Mar. 2, 1923.* Fixing the salary of collector of customs of N. C. H. R. 10816. Public law No. 461.

*Mar. 2, 1923.* War Department appropriation bill. H. R. 13793. Public law No. 465.

*Mar. 3, 1923.* Providing for new members and private secretaries for the Federal Farm Loan Board. H. J. Res. 466. Public resolution No. 104.

*Mar. 3, 1923.* To allow printing of postage and revenue stamps from defaced plates. S. 2703. Public law No. 479.

*Mar. 3, 1923.* To increase number of collectors of internal revenue and internal revenue districts. S. 2051. Public law No. 495.

*Mar. 3, 1923.* Amending fact-finding law of 1922, which established United States Coal Commission. S. 4160. Public law No. 499.

*Mar. 3, 1923.* To provide the necessary organization in the Customs Service to enforce the tariff act. S. 4245. Public law No. 502.

*Mar. 3, 1923.* To acquire building in Paris, France, for the United States Diplomatic and Consular establishments. S. 4594. Public law 506.

*Mar. 3, 1923.* To allow credits to disbursing officers of the Dept. of Commerce. S. 4637. Public law No. 509.

*Mar. 3, 1923.* Creating the American Battle Monuments Commission to erect memorials to services of American soldiers in Europe. H. R. 14087. Public law No. 534.

*Mar. 3, 1923.* Third Deficiency appropriation for 1923. H. R. 14408. Public law No. 543.

*Mar. 3, 1923.* Amending the act of Dec. 29, 1920, for the reorganization of the administrative branch of the Government. S. J. Res. 282. Public resolution No. 100.

#### Farm Credits

*Mar. 3, 1923.* "Capper-Lenroot-Anderson Act." Incorporation of corporations for purpose of making agricultural and live stock loans. S. 4280. Public law No. 503.

#### Food

*Mar. 3, 1923.* "Filled milk bill." To prohibit shipment of filled milk in interstate or foreign commerce. H. R. 8086. Public law No. 513.

#### Foreign Debts

*Feb. 28, 1923.* Funding of foreign debts. H. R. 14254. Public law No. 455.

#### Foreign Relations

*Feb. 12, 1923.* Authorizing President to abrogate international agreement embodied in certain Executive orders relating to Panama Canal. S. J. Res. 259. Public resolution No. 88.

#### Immigration

*Dec. 27, 1922.* To permit to remain within U. S. certain aliens admitted temporarily under bond in excess of quotas. H. J. Res. 279. Public resolution No. 78.

THE CONGRESSIONAL DIGEST

New Public Laws—*cont'd*

**Indians**

*Feb. 6, 1923.* Promoting civilization and self-support among the Indians of Mescalero Reservation, N. M. H. R. 6294. Public law No. 404.

*Feb. 14, 1923.* To extend provisions of Act of Feb. 8, 1887, as amended, to lands purchased for Indians. S. 1926. Public law No. 412.

*Feb. 14, 1923.* Drainage system for Piute Indian lands, Nev. H. R. 10211. Public law No. 413.

*Mar. 3, 1923.* Extending period of restriction against alienation of surplus lands allotted to certain Kansas or Kaw Tribe of Indians in Oklahoma. S. 4544. Public law No. 548.

**Irrigation**

*Dec. 16, 1922.* To accept completion of Carey segregation numbered eleven, Colorado, and to issue patent to the State for lands embraced therein. S. 3195. Public law No. 369.

*Feb. 21, 1923.* Secy. of Interior to investigate and report, not later than Jan. 1, 1924, on the Columbia Basin irrigation project. S. 3808. Public law No. 433.

*Feb. 28, 1923.* Extending the time for payment for construction charges on reclamation projects two years from Dec. 31, 1922. S. 4187. Public law No. 454.

**Judiciary**

*Dec. 11, 1922.* To permit Mahlon Pitney, an Associate Justice of the Supreme Court of the U. S., to retire. S. 4025. Public law No. 367.

*Feb. 14, 1923.* To amend sec. 100 of U. S. Judicial Code (terms of district courts in Ohio). H. R. 10817. Public law No. 414.

*Feb. 28, 1923.* Increasing, if necessary, bond of marshal for southern judicial district of New York. S. 3614. Public law No. 439.

*Mar. 2, 1923.* Transferring from Del Rio to El Paso division of western judicial district, Pecos Co., Texas. H. R. 6423. Public law No. 459.

*Mar. 3, 1923.* Defining the judicial districts of Iowa. S. 4614. Public law No. 507.

*Mar. 3, 1923.* Terms of the district court to be held at Spartanburg, S. C. H. R. 7851. Public law No. 512.

*Mar. 3, 1923.* Amend sec. 370 of Revised statutes. Providing for expense of agents away on business of Dept. of Justice. H. R. 13430. Public law No. 524.

*Mar. 3, 1923.* Making section 1535c of Code of Law for District of Columbia applicable to Municipal court of District of Columbia. H. R. 13998. Public law No. 529.

*Mar. 3, 1923.* To provide for holding sessions of the U. S. district court in judicial district of Maine. H. R. 14135 Public law No. 530.

*Mar. 3, 1923.* Defining judicial districts of Tennessee. H. R. 14324. Public law No. 540.

*Mar. 3, 1923.* To fix salaries of U. S. attorneys and marshals of judicial districts. S. 425. Public law No. 546.

**Marine Corps**

S. 1016. See Navy.

*Mar. 2, 1923.* To advance Maj. Ralph S. Keyser on the lineal list of the Marine Corps. H. R. 11340. Public law No. 462.

**Miscellaneous**

*Jan. 25, 1923.* Temporary buildings of American Red Cross headquarters, Washington, D. C. S. J. Res. 43. Public resolution No. 83.

*Feb. 20, 1923.* Additional buildings for National Leper Home, La. S. 3721. Public law No. 430.

*Feb. 24, 1923.* Prohibiting the wearing of medals of honor without authorization. S. 4036. Public law No. 438.

*Feb. 26, 1923.* Relief of Lowe Hayden Bibby. S. 3690. Public law No. 445.

*Feb. 26, 1923.* Conveyance of certain lands to city of Santiago, Chile. S. 4522. Public law No. 448.

*Feb. 28, 1923.* Reservations and public spaces for use of Shrine Convention in District of Columbia. H. J. Res. 418. Public resolution No. 93.

*Feb. 28, 1923.* Accepting sword of Gen. Richard Montgomery, to be placed in the National Museum. H. J. Res. 460. Public resolution No. 94.

*Mar. 2, 1923.* Admitting Jose A. de la Torriente, a citizen of Cuba, to the Naval Academy. H. J. Res. 47. Public resolution No. 95.

*Mar. 3, 1923.* Embracing in third day-light saving time zone, territory south of Salmon River, Idaho. S. 574. Public law No. 477.

*Mar. 3, 1923.* To incorporate Belleau Wood Memorial Association. S. 4552. Public law No. 489.

*Mar. 3, 1923.* Providing for relief of the Chinese Government. H. R. 8221. Public law No. 514.

*Mar. 3, 1923.* Relief of Frank A. Jahn. H. R. 12138. Public law No. 520.

*Mar. 3, 1923.* To dissolve Colored Benevolent Association of District of Columbia. H. R. 13617. Public law No. 526.

*Mar. 3, 1923.* To limit and fix time which any claim or interest in any real estate in the foreclosure of mortgage on same must be proved. H. R. 14144. Public law No. 535.

*Mar. 3, 1923.* Permitting reentry in U. S. free of duty certain domestic animals under certain conditions. H. J. Res. 422. Public resolution No. 101.

*Mar. 3, 1923.* Transportation to Porto Rico of a committee representing Fourth Ohio Infantry, war with Spain. H. J. Res. 442. Public resolution No. 102.

**National Parks and Reservations**

*Dec. 20, 1922.* Sale of marine-hospital reservation in Cleveland, Ohio. H. R. 11040. Public law No. 371.

*Feb. 13, 1923.* Acceptance of title to certain land within Shasta National Forest, Calif. S. J. Res. 226. Public resolution No. 90.

*Feb. 14, 1923.* Acquirement by U. S. of privately owned lands in Lincoln National Forest, N. M., by exchanging therefor lands on public domain within that State. S. 3702. Public law No. 411.

*Feb. 17, 1923.* To convey to Wilmington, N. C., marine hospital reservation. H. R. 13046. Public law No. 426.

*Feb. 24, 1923.* Granting use of part of Boise Barracks Military Reservation to Boise, Idaho. S. 3332. Public law No. 437.

*Feb. 28, 1923.* Exchange of land in Glacier National Park, Mont. S. 3593. Public law No. 453.

*Mar. 2, 1923.* To sell to Gogebic Co. Board of American Legion, at Bessemer, Mich., the Montreal River Lighthouse Reservation. H. R. 13032. Public law No. 464.

*Mar. 2, 1923.* To dispose of portion of hospital reservation at Fort Logan H. Roots, Ark. H. R. 12751. Public law No. 463.

*Mar. 2, 1923.* In reference to a national military park at Yorktown, Va. H. R. 13326. Public law No. 473.

*Mar. 2, 1923.* Declining devisement of certain lands to United States for a national park by Joseph Battell. S. J. Res. 270. Public resolution No. 97.

*Mar. 3, 1923.* For fencing of public lands purchased for reservation sites. S. 3123. Public law No. 480.

*Mar. 3, 1923.* Reclamation of United States Military Reservation, Fort De Russy, Honolulu, Hawaii. S. 3424. Public law No. 497.

*Mar. 3, 1923.* Permitting Valley Transfer R. R. Co. to operate a railroad on the Fort Snelling Military Reservation in Minn. H. R. 14082. Public law No. 533.

**Navy**

*Dec. 14, 1922.* Authorizing Secy. of Navy to deliver to custody of Brooklyn Museum silver service presented to Cruiser Brooklyn by citizens of Brooklyn, N. Y. S. 3990. Public law No. 368.

*Feb. 13, 1923.* To amend Act to repeal Sec. 3480 of U. S. Revised Statutes approved July 6, 1914, by adding "Navy, and Marine Corps." S. 1016. Public law No. 408.

*Feb. 21, 1923.* Donating to Daughters of American Revolution of State of S. C. silver service used on board Battleship *South Carolina*. H. R. 13351. Public law No. 434.

**Postal Service**

*Mar. 3, 1923.* Fixing rates of postage on certain kinds of printed matter. H. R. 6954. Public law No. 476.

**Public Debt**

*Mar. 2, 1923.* Relating to sinking fund for bonds of the United States. H. R. 13827. Public law No. 466.

**Public Lands**

*Feb. 16, 1923.* Restoring to public domain lands in Louisiana not needed for naval purposes. H. R. 5224. Public law No. 424.

*Mar. 3, 1923.* Providing for additional entries for homesteads in certain cases. H. R. 2347. Public law No. 496.

*Mar. 3, 1923.* Authorizing the Secy. of War to sell certain tracts of real property not needed for military purposes. S. 4216. Public law No. 501.

**Railroads**

*Feb. 9, 1923.* To amend and supplement Act to incorporate Texas and Pacific Railroad Co., approved Mar. 3, 1871 and Acts Supplemental thereto. S. 4029. Public law No. 407.

**Revenue**

*Mar. 3, 1923.* Amending the revenue act relative to credits and refunds. H. R. 13775. Public law No. 527.

*Mar. 3, 1923.* To amend the revenue act of 1921 in respect to income tax of non-resident aliens. H. R. 14050. Public law No. 531.

*Mar. 3, 1923.* Amending the revenue act regulating the taxation on property and property exchanges. H. R. 13774. Public law No. 545.

**Rivers and Harbors**

*Feb. 27, 1923.* Abrogating a contract lease power on the Muskingum River. S. 3611. Public law No. 449.

*Mar. 3, 1923.* Authorizing examination and survey of intracoastal waterway in Louisiana and Texas. S. 4216. Public law No. 484.

THE CONGRESSIONAL DIGEST

New Public Laws—cont'd

*Mar. 3, 1923.* Improvement of the Mississippi River and control of its floods. H. R. 13810. Public law No. 528.

*Mar. 3, 1923.* Improving channel between harbor of St. Helens and Columbia River, St. Helens, Oreg. H. J. Res. 415. Public resolution No. 105.

State and Local

**ALABAMA**

*Feb. 6, 1923.* Renting of first floor of Customhouse at Mobile, Ala., to Mobile Chamber of Commerce. H. R. 11731. Public law No. 406.

**ALASKA**

*Mar. 3, 1923.* Granting certain lands to Skagway, Alaska, for park purposes. H. R. 12171. Public law No. 521.

**ARIZONA**

*Jan. 24, 1923.* Railroad bridge across Colorado River near Yuma. S. 4069. Public law No. 390.

*Feb. 26, 1923.* Road construction within the Fort Apache Indian Reservation, Ariz. H. R. 13128. Public law No. 441.

*Feb. 26, 1923.* Completion of bridge across Little Colorado River at Leupp Indian Agency, Ariz. S. 2563. Public law No. 443.

*Feb. 15, 1923.* Bridge across Arkansas River between Little Rock and Argenta. S. 4439. Public law No. 423.

**CALIFORNIA**

*Mar. 3, 1923.* To determine title to certain lands in Siskiyou Co., Calif. S. 3892. Public law No. 481.

**COLORADO**

*Mar. 2, 1923.* Granting certain lands to Canon City, Colo., for a public park. H. R. 7053. Public law No. 468.

**DELAWARE**

*Feb. 15, 1923.* Bridge across Nanticoke River near Seaford, Del. S. 4346. Public law No. 419.

**DISTRICT OF COLUMBIA**

*Jan. 26, 1923.* Conventions of Imperial Council of Mystic Shrine in District of Columbia, June 5, 6, and 7, 1923. S. J. Res. 247. Public resolution No. 85.

*Feb. 17, 1923.* Board of accountancy for District of Columbia. S. 2531. Public law No. 427.

*Feb. 17, 1923.* Pensions of policemen and firemen of District of Columbia. S. 3169. Public law No. 428.

*Feb. 21, 1923.* Closing Piney Branch Road between certain streets in District of Columbia. S. 1066. Public law No. 432.

*Feb. 28, 1923.* Construction of elevated railroad sidings in District of Columbia. S. 3083. Public law No. 456.

*Feb. 28, 1923.* District of Columbia appropriation bill. H. R. 13660. Public law No. 457.

*Mar. 3, 1923.* Widening of First Street, N. E., District of Columbia. H. R. 5018. Public law No. 493.

*Mar. 3, 1923.* Closing certain portions of Grant Road in District of Columbia. S. 4117. Public law No. 498.

*Mar. 3, 1923.* Sale of a school site in District of Columbia. H. R. 5020. Public law No. 511.

*Mar. 3, 1923.* Erection of memorial in District of Columbia to Joseph J. Darlington. S. J. Res. 240. Public resolution No. 98.

**FLORIDA**

*Jan. 31, 1923.* Bridge across the Escambia River near Ferry Pass, Fla. H. R. 13493. Public law No. 401.

*Mar. 2, 1923.* Granting certain lands to Escambia Co., Fla., for a public park. H. R. 7967. Public law No. 469.

*Mar. 2, 1923.* Granting license for construction of a sewerage drain at Miami Beach, Fla. H. R. 13272. Public law No. 472.

**GEORGIA**

*Dec. 27, 1922.* To convey certain land of U. S. to Fulton Co., Ga., to widen McDonough Road in front of U. S. Penitentiary. H. R. 12174. Public law No. 373.

*Mar. 3, 1923.* Bridge construction across Tugaloo River between S. C. and Ga. in Oconee Co., S. C., and Stephen Co., Ga. S. 4387. Public law No. 486.

**HAWAII**

*Feb. 3, 1923.* Amending Hawaiian Homes Commission Act approved July 9, 1921. S. 4309. Public law No. 403.

*Feb. 17, 1923.* Conveyance of certain land to Boise, and from Boise, to U. S. H. R. 12007. Pueblo law No. 425.

**ILLINOIS**

*Jan. 24, 1923.* Declaring a portion of West Fork of Smith Branch of Chicago River, Cook Co., Ill., a non-navigable stream. S. 3177. Public law No. 386.

*Jan. 24, 1923.* Bridge across Little Calumet River, Cook Co., Ill. S. 4031. Public law No. 387.

*Jan. 24, 1923.* Bridge across Kankakee River, Kankakee Co., Ill. S. 4032. Public law No. 388.

*Jan. 24, 1923.* Bridge across Kankakee River, Kankakee Co., Ill. S. 4033. Public law No. 389.

*Jan. 31, 1923.* Bridge across Rock River, Winnebago Co., Ill. H. R. 13474. Public law No. 400.

*Feb. 15, 1923.* Bridge across Fox River, Aurora, Kane Co., Ill. S. 4169. Public law No. 417.

*Feb. 15, 1923.* Bridge across Fox River, Elgin, Ill. S. 4353. Public law No. 420.

*Feb. 27, 1923.* Declaring portion of West Fork of South branch of Chicago River non-navigable. H. R. 9049. Public law No. 452.

*Mar. 2, 1923.* Amending sec. 1 of an act approved Jan. 11, 1922, condemnation of land for street purposes in Chicago, Ill. H. R. 11579. Public law No. 470.

**IOWA**

*Jan. 24, 1923.* Bridge across Big Sioux River, Woodbury Co., Iowa. S. 4131. Public law No. 392.

**KANSAS**

*Mar. 3, 1923.* Bridge across Tug Fork of Big Sandy River, Pike County, Ky. H. R. 11477. Public law No. 517.

*Mar. 3, 1923.* To lease to Kansas Electric Power Co. a certain tract of land at Fort Leavenworth. H. R. 13004. Public law No. 523.

**LOUISIANA**

*Jan. 23, 1923.* Bridge across Mississippi River near Baton Rouge, La. H. R. 11626. Public law No. 396.

**MARYLAND**

*Mar. 3, 1923.* Bridge construction across Humphreys Creek at or near Sparrows Point, Md. S. 4503. Public law No. 504.

*Mar. 3, 1923.* Construction of dam across Potomac River near Williamsport, Md. H. R. 13554. Public law No. 525.

**MASSACHUSETTS**

*Feb. 15, 1923.* Bridge across Merrimack River, Haverhill, Mass. S. 4288. Public law No. 422.

*Feb. 19, 1923.* Bridges across certain portion of Charles River, Mass. H. R. 13760. Public law No. 429.

**MICHIGAN**

*Mar. 3, 1923.* Ceding to State of Michigan certain public lands in Isle Royal Co., Mich. H. R. 8625. Public law No. 515.

*Mar. 3, 1923.* Conveyance of certain lands to State of Michigan by Co. of Huron for park purposes. H. R. 14296. Public law No. 538.

**MINNESOTA**

H. R. 12777; H. R. 14428; H. R. 14429. See North Dakota.

*Jan. 31, 1923.* Bridge across Mississippi River, St. Paul, Minn. H. R. 13511. Public law No. 402.

*Feb. 27, 1923.* Bridge construction across Mississippi River between Minneapolis and St. Paul, Minn. S. 4411. Public law No. 451.

*Mar. 2, 1923.* Bridge construction across the Minnesota River at Fort Snelling Military Reservation. S. 4589. Public law No. 467.

*Mar. 2, 1923.* Bridge construction at junction of Mississippi and Minnesota Rivers at or near Pike Island, Minn. H. R. 14081. Public law No. 475.

**MISSISSIPPI**

*Jan. 31, 1923.* Railroad bridge across Pearl River near Georgetown, Miss. H. R. 13139. Public law No. 399.

*Mar. 3, 1923.* Declaring Bear Creek in Mississippi non-navigable. S. 4548. Public law No. 490.

**MISSOURI**

*Jan. 31, 1923.* Bridge across St. Francis River in Mo. H. R. 13195. Public law No. 398.

*Mar. 3, 1923.* Bridge construction across St. Francis River between Butler and Dunkin Counties, Mo. S. 4579. Public law No. 491.

*Feb. 14, 1923.* To permit Montana to exchange cut over timber lands granted for educational purposes for other lands of like character. S. 1787. Public law No. 410.

*Feb. 26, 1923.* Disposal of surplus water of Two Medicine, Cut Bank, and Badger Creeks, on the Blackfoot Indian Reservation, Mont. S. 4061. Public law No. 444.

**NEW YORK**

*Feb. 27, 1923.* Bridge construction across Niagara River near Tonawanda, N. Y., and across Grand Island. S. 4358. Public law No. 450.

*Mar. 2, 1923.* Granting the maintenance of tow bridges at Albany, N. Y., to the Hudson River Bridge Co. H. R. 13978. Public law No. 474.

*Jan. 24, 1923.* Bridge across Red River of the North at or near Pembina, N. D. S. 4133. Public law No. 393.

*Jan. 31, 1923.* Granting consent of Congress to Grand Forks, N. D. and East Grand Forks, Minn., to construct dam across Red River of the North. H. R. 12777. Public law No. 397.

*Mar. 3, 1923.* Extending time required to build bridge across Red River of the North at Pembina, N. D. S. 3580. Public law No. 547.

*Mar. 3, 1923.* Bridge construction across the Red River of the North between Moorhead, Minn., and Fargo, N. D. H. R. 14428. Public law No. 549.

*Mar. 3, 1923.* Bridge construction across Red River of the North between Grand Forks N. D., and East Grand Forks, Minn. H. R. 14429. Public law No. 550.

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## Proposals to Change Method of Amending the Constitution

### Present Method Provided by Article V of Constitution

#### Article V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths

of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

### Amendments Proposed to Change Article V

Seven joint resolutions to amend Article V were introduced in the House and three in the Senate. Hearings were held on S. J. Res. 40 introduced by Senator Wadsworth, by a sub-committee of the Senate Committee on the Judiciary, January 16, 1923. On February 27, 1923, the Committee on the Judiciary reported S. J. Res. 40 with amendments. S. J. Res. 40 as introduced is the same as H. J. Res. 69 introduced by Representative Garrett in the House, and is known as the Wadsworth-Garrett amendment.

### The Wadsworth-Garrett Amendment as Introduced

S. J. Res. 40, Introduced by Sen. Wadsworth, April 27, 1921.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article, in lieu of Article V, be proposed to conventions of delegates in each State chosen by the people thereof, as an amendment to the Constitution of the United States, which, when ratified by said conventions in three-fourths of the several States, shall be valid to all intents and purposes as part of the said Constitution, namely:*

**"ARTICLE —"**

*"The Congress, whenever two-thirds of each House shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislature of two-thirds of the several States, shall call*

*a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by three-fourths of the several States through their legislatures or conventions, as the one or the other mode of ratification may be proposed by the Congress or the convention: *Provided*, That, the members of at least one house in each of the legislatures which may ratify shall be elected after such amendments have been proposed; that any State may require that ratification by its legislature be subject to confirmation by popular vote; and that, until three-fourths of the States have ratified or more than one-fourth of the States have rejected or defeated a proposed amendment, any State may change its vote: *And provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."*

### The Wadsworth-Garrett Amendment as Reported

Report made for the Committee on the Judiciary by Senator Colt of Rhode Island, Chairman of the Sub-Committee.

That the following article, in lieu of Article V, is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution:

**"ARTICLE —"**

*"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a*

*convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the vote of the qualified electors in three-fourths of the several States, and that, until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected or defeated a proposed amendment, any State in like manner may change its vote: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."*

### Senator Colt States the Facts in the Case

The following remarks by the Chairman of the Sub-Committee were made to bring out the points at issue before the Committee.

I AM not expressing my own convictions on any of these points. I am merely trying to state the conditions with which we are confronted.

The present amendatory clause of the Constitution provides two methods of proposing amendments. One method is to have Congress pass a proposed amendment by a two-thirds majority of each House. The framers of the Constitution did not quite want to limit to that form the methods of proposing amendments. As I understand, the framers thought that the States themselves might want to propose amendments to the Constitution. Therefore, it was provided that upon the application of the legislatures of two-thirds of the States, Congress itself shall

call a convention, in which all the States shall be represented, for the purpose of framing proposed amendments to the Constitution. That, of course, would open a pretty wide door, and that never has been acted upon. Then the framers of the Constitution went further with regard to the ratification of a proposed amendment, and they provided two methods. One was that it should be submitted to the legislatures of the States and ratified by three-quarters of the States; or Congress could direct that it should be ratified by a convention held in each State. The second method never has been adopted, with respect to the amendments which are already in the Constitution.

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## Does Article V Need Amending?

*Pro*

Senator James W. Wadsworth, Jr., New York

*Author of S. J. Res. 40*

**T**HIS proposal is not in conflict with those who believe that the initiative and the referendum, and the recall, as applied to the legislative business of a State, is bad policy. This proposal is merely to retain for the people the power which they had in the beginning and which is fundamental, absolutely fundamental, in its nature.

It is the people and only the people who should create a government. In the first instance, although it was done through convention (that seeming to be a practical way at that time in 1789 and 1790) the people said yes or no to the Constitution of the United States as then proposed. And I hold that when any suggestion is made for changing the structure of the Government of the United States, the character of its powers, the only competent tribunal is the people themselves, who originally created the government and ratified the Constitution. And so, when we propose here that the people of the States shall have a right to vote directly on an amendment to the Federal Constitution, we are doing nothing more nor less than following out logically and consistently the original conception of the Constitution—obtaining the consent of the people who are to live under that Constitution.

Regardless of what we think of the merits of recent amendments to the Constitution, I think no fair-minded Senator or Member of the House will deny that in certain instances ratification was achieved in defiance of public opinion and by means and methods which can not be defended before any fair tribunal.

The modern machinery of propaganda is very, very strong and it is growing stronger. Organizations of all kinds, good, bad, and indifferent, are resorting to it in ever increasing degree, and when the weight and force of propaganda is brought to bear upon a single legislative body, composed of a comparatively few men, in many instances it is almost impossible for that body to resist the pressure.

There is a harbor of safety and refuge in the voting booth with its secret ballot. Propaganda and its agents can not look over the voter's shoulder and guide his pencil. He votes as he thinks best. He may vote mistakenly, but nevertheless it is his vote. And above everything else, when people are called upon in one way or another to adopt or reject amendments to the fundamental law they should be left free to vote as they think best, free from those influences which upon so many occasions destroy all sense of proportion among legislators.

It would be a healthy thing, in addition to being fundamentally right and in conformity with our conception of how constitutions originate—it would be a healthy thing, if all amendments to be proposed to the Constitution in the future should be voted upon by the people of these United States in their several States. The average voter would be called on to think nationally and to vote on one thing that affected in the most important degree, his entire country and its future. So I think that this thing is sound fundamentally. It is in conformity with our whole conception of Constitution-making. And, further, it will have the effect of bringing the people of the United States into a better understanding of the Constitution and its meaning.—*Extracts from Hearings before Sub-Committee of Senate Committee on Judiciary, Jan. 16, '23.*

*Con*

*The Outlook*

**V**ARIOUS organizations, including the American Constitutional League and the Maryland League for State Defense, and incidentally the National Association opposed to Woman Suffrage and the National Association opposed to Prohibition, are joined in a drive for a Federal amendment "to restore the rights of the people" by taking away from legislatures the power hereafter to ratify Federal amendments. Hereafter, they contend, a State should be recorded for a Federal amendment only after there is a favorable popular vote in the form of a referendum.

If there is one thing in which the wisdom of the fathers in the Constitution really shines, it is in the method which they laid down for the adoption of amendments. The Federal Constitution virtually provides for a referendum already by assembly and senatorial districts in every State. Except in those cases in which a legislature acts upon a Federal amendment, without an intervening election of the legislators, the battle is fought on every vital issue before the amendment comes to passage in the legislature at all. Thus the recent Suffrage and Prohibition Amendments were determined in public opinion in many hundreds of assembly and senatorial districts in every State in the Union before these questions were finally determined in the legislatures of the commonwealths.

And this method of piecemeal referendum, here a little and there a little, until in a majority of these small and neighborly units a decision is reached, is a far safer and more sanely democratic method of obtaining the popular will upon vital issues than the proposed plan of a single State-wide referendum before the legislature acts.

Nobody is afraid of the will of the people in America, provided it is the deliberate will, arrived at after reflection and accurate information. The method of referendum by assembly and senatorial districts which the fathers of the Constitution laid down has the great merit of giving time for the popular mind to adjust itself to true information and sound principle. It gives time for the sifting out of mere propagandism for or against an issue. It gives time for deliberate decision.

Every thoughtful person is afraid of the will of the people when it is an impulsive and unreflective will. The proposed method of a single State-wide referendum on Federal amendments has exactly this peril at the heart of it. It gives no opportunity for the sifting out of propaganda in small units like the assembly and senatorial districts, and for the give and take of neighborly argument extending over a considerable period of time. It gives only opportunity for prejudice and impulse and misinformation and sentimentality and all the baser factors which operate upon public opinion to do their damaging work.

It is probable that some of these organizations which are backing this innovation against the wisdom of the fathers of the Constitution are hoping for an easy way back out of the suffrage and prohibition *impasse* in which they find themselves. But the practice is far more to be feared as a means of the general employment of the impulsive mass mind in America at a period in the history of the world when, above all others, caution and reflection and adequate information are sheet anchors of democracy.

Those who have long contended that the free use of the referendum would some day become the urgent demand of the apostles of reaction in this country can find justification for their fears in the present movement.—*Extracts from editorial, December 15, 1920.*

*Pro*

George Stewart Brown

*Author—"Judicial Review in Customs Taxation," 1918*

The necessity for this proposal is in part political and in part legal. The political cause arises from the startling action by our "legislative amending agents" in ratifying the eighteenth and nineteenth amendments. The legal cause arises from the holdings by the Supreme Court in the cases growing out of the ratification of these two amendments. These holdings seem to shift the source of political power from the "people of the several States" who ratified the Constitution, the only "people of the United States" known to our history, to their uncontrolled and unrestrained "amending agents."

These "amending agents," without the semblance of a popular mandate, can not only take away from the people of the States any inherent State power reserved to them by the tenth amendment, as a condition of Federal Union, and shift it to congressional control; but they can embody in the Constitution itself an alleged moral commandment in main part beyond the reach of legislative modification by either Congress or State legislatures. A mere handful of legislators distributed among 13 States—not more than about 200 men—can forever prevent repeal. This sets up an impossible irresponsible method for the exercise of legislative power which has no place in the democratic Government of these United States.

In the political ratification of the eighteenth and nineteenth amendments the Congress passed the responsibility to the "State legislatures," refusing to submit them directly to the people of the States (who are the States) acting in State conventions as authorized by the amending clause itself.

The failure of Congress to invoke this form of popular referendum so as to obtain the sanction of the people themselves to these radical changes in the organic law is inexplicable.

Twelve State legislatures which were elected on other issues before the amendment was even proposed by Congress voted to ratify the eighteenth amendment. They, of course, had no accurate means of determining the desires of their own people. But lack of a popular mandate did not give them pause. The people of California on referendum rejected State prohibition by a large majority at the same time they elected the legislature which undertook nevertheless to express "the assent of the people of California" to the eighteenth amendment. In Maryland a legislature elected on other issues before proposal, ratified in the face of a heavy majority against prohibition on referendum not long before. In Ohio the people, on referendum, repudiated their legislature's ratification of the eighteenth amendment itself. The subsequent adverse court ruling does not change that fact.

In the case of the nineteenth amendment the lack of a popular mandate on the part of the "legislative amending agents" appears even more strikingly.

The above should be sufficient to show the political and constitutional necessity of adopting the Wadsworth-Garrett amendment if the "home rule," "local self-government" principles of our strictly Federal Union are to remain, and the establishment of the "Consolidated National Government," which the fathers feared and we in our hearts fear just as much, is to be prevented.

What is needed is to so far impose restraint upon these "legislative amending agents" as to compel them to truly represent their people and record a real assent after popular sanction. This the Wadsworth-Garrett amendment accomplishes.—*Extracts from Article in Virginia Law Review.*

*Con*

T. J. Norton

*Author—"The Constitution of the United States—Its Sources and Its Application"*

THE purpose of the amendment proposed by Senator Wadsworth is to prevent further ratifications by the method which has prevailed from the foundation of our Government, the belief being that the adoption of the prohibitory amendment and the suffrage amendment by State Legislatures brought changes in the Constitution of which the people themselves would not have approved had there been a referendum vote in each State, or had ratifying conventions been called in the States by Congress instead of leaving ratification to the Legislatures.

The present method of amendment has served its purpose ever since the first ten amendments (the Bill of Rights proposed by the First Congress) were adopted in 1790. Article V was found sufficient for the Civil War amendments, for the income tax amendments, and for amendment for the direct election of Senators. But the prohibitory amendment and the suffrage amendment have disclosed, it seems, a hitherto undiscovered weakness in Article V and therefore it must be re-shaped.

As twenty-four of the thirty-six States necessary to ratify had each taken an approving referendum on local prohibition, as prohibition had been under discussion since the Maine Act of 1846, and as not less than fourteen proposals to put in the National Constitution, a prohibitory amendment had been made in Congress, beginning with one by Senator Blair of New Hampshire in 1876, the action of forty-six State Legislatures in ratifying the Eighteenth Amendment (the nearest to unanimous approval than any amendment has received) cannot properly be called a sudden or "startling" action.

The people of the States were already so well informed and the members of the legislatures knew the people's will so well that seven States made unanimous ratification, like Kansas, which had had prohibition for thirty-seven years. Eight States called special sessions to ratify, four of which had had constitutional referenda. The total vote for the amendment in State Legislatures was 5,086. The total against the amendments was 1,263. It is against common knowledge of the facts, to say that ratification by members of legislatures elected directly by the people and responsible to them would have cast a vote of more than 4 to 1 for a measure to which their constituents were opposed.

What has been said about the prohibitory amendment may be repeated as to the Nineteenth Amendment.

Many States are living in comfort under and profiting by amendments to the Constitution which they never ratified. Those States assented to and promised to abide by this condition when they knocked for admission at the door of the Union and were admitted.

Two conclusions result from the foregoing considerations: First, that the evils which the Wadsworth resolution contemplates do not exist; and, second, that the operation of Article V through more than a century and a quarter has so fully met the needs of the nation that it should not be changed except for a grave reason very clearly existing and even then it should not be altered in the direction of the State interference and domination which so speedily wrecked our first form of government. The commands to and the prohibitions upon the States which the fathers wrote in Section 10 of Article I and elsewhere in the Constitution are a thorough-going indictment of the conduct of the unrestrained State. Fully aware of their own frailties in this respect, the States assented to the limitations.—*Extracts from Letter in New York Times, December 3, 1922.*

# Classified List of Proposals to Amend the Constitution

## 103 Joint Resolutions Introduced During the 67th Congress

**ALCOHOLIC LIQUOR TRAFFIC:**

To submit to the electors in the several States the question of prohibition. H. J. Res. 18, introduced April 11, 1921, by Rep. Kissel, R., N. Y.‡

To permit manufacture and sale of beer and wine. H. J. Res. 320, H. J. Res. 321, introduced May 2, 1922, by Rep. Ansorge, R., N. Y.‡ H. J. Res. 386, introduced Sept. 22, 1922, by Rep. Brennan, R., Mich.‡

**ALIENS:**

Denying the right to vote for President, Vice President, Senators or Representatives. H. J. Res. 24, introduced April 11, 1921, by Rep. Montague, D., Wyo.†

Denying the rights of citizenship to children whose parents are not eligible to become citizens. H. J. Res. 56, introduced Apr. 18, 1921, by Rep. Raker, D., Calif.‡

**APPROPRIATION BILLS:**

Giving the President power to veto items in appropriation bills. S. J. Res. 83, introduced July 12, 1921, by Sen. Kenyon, R., Iowa. H. J. Res. 176, introduced July 19, 1921, by Rep. Madden, R., Ill.‡

**CHILD LABOR:**

See February number, page 135.

**COAL, OIL AND GAS:**

Giving to Congress the power to regulate the production and commerce in coal, oil and gas. H. J. Res. 381, introduced Sept. 19, 1922, by Rep. Volstead, R., Minn.‡

**CONGRESS:**

Fixing date for convening regular sessions of Congress. S. J. Res. 8, introduced April 12, 1921, by Sen. Ashurst, D., Ariz.‡; S. J. Res. 253 (fixing the commencement of the terms of the President, Vice President and members of Congress and providing for the election of the President and Vice President by direct vote), Reported Dec. 5, 1922, in lieu of S. Con. Res. 29\*\* (S. Rept. 933) by Sen. Norris from Committee on Agriculture and Forestry; H. J. Res. 461, introduced Feb. 26, 1923, by Rep. Fairchild, R., N. Y.\*

**CONSCRIPTION:**

Providing in the event of war for the conscription of citizens, money, industries and property. H. J. Res. 384, introduced September 21, 1922, by Rep. Johnson, R., S. D.‡

**CONSTITUTION OF THE UNITED STATES:**

Proposing a method of amending the Constitution. S. J. Res. 14, introduced April 12, 1921, by Sen. Owen, D., Okla.‡; S. J. Res. 21, introduced April 13, 1921, by Sen. Wadsworth, R., N. Y.‡; S. J. Res. 40, introduced April 27, 1921, by Sen. Wadsworth, amended and reported Feb. 27, 1923, by Committee on the Judiciary; H. J. Res. 69, introduced April 21, 1921, by Rep. Garrett, D., Tenn.‡; H. J. Res. 118, introduced May 13, 1921, by Rep. Kissel, D., N. Y.‡; H. J. Res. 162, introduced June 24, 1921, by Rep. Cullen, D., N. Y.‡; H. J. Res. 12, introduced April 11, 1921, by Rep. Griffin, D., N. Y.‡; H. J. Res. 21, introduced April 11, 1921, by Rep. MacGregor, R., N. Y.‡; H. J. Res. 29, introduced April 11, 1921, by Rep. Siegel, R., N. Y.‡; H. J. Res. 110, introduced May 6, 1921, by Rep. Morin, R., Penn.‡

**COURTS OF THE UNITED STATES:**

Giving Congress power to fix terms of office of judges of inferior courts. S. J. Res. 94, introduced August 5, 1921, by Sen. Sheppard, D., Texas.†

**DECLARATION OF WAR:**

Requiring popular vote before declaration of war. S. J. Res. 89, introduced July 25, 1921, by Sen. Ladd, R., N. D.‡; H. J. Res. 356, introduced June 24, 1922, by Rep. Voigt.‡

**DIRECT TAXES:**

Regulating apportionment of direct taxes. S. J. Res. 47, introduced May 4, 1921, by Sen. Ball, R., Del.‡; H. J. Res. 37, introduced April 11, 1921, by Rep. Andrews, R., Nebr.‡

**DISTRICT OF COLUMBIA:**

Providing for representation in Congress. H. J. Res. 6, introduced April 11, 1921, by Rep. Burroughs, R., N. H.‡

Extending to citizens the right to vote. S. J. Res. 133, introduced Nov. 7, 1921, by Sen. Jones, R., Wash.‡ Reference changed to the Committee on the District of Columbia. Reported back (S. Rept. 507) Feb. 21, 1921.

**ELECTIONS:**

Relative to elections to federal office. H. J. Res. 188, introduced (omitted in the Record) by Rep. Herrick, R., Okla.†

Giving Congress power to regulate use of money in elections. S. J. Res. 155, introduced Jan. 16, 1922, by Sen. Willis, R., Ohio; H. J. Res. 335, introduced May 25, 1922, by Rep. Dallinger, D., Mass.‡

**ELECTORIAL COLLEGE:**

To abolish Electoral College. S. J. Res. 253, reported Dec. 5, 1922, in lieu of S. Con. Res. 29\*\* (S. Rept. 933) by Sen. Norris from Committee on Agriculture and Forestry.

**HOUSE OF REPRESENTATIVES:**

Fixing maximum strength. H. J. Res. 36, introduced April 11, 1921, by Rep. Siegel, R., N. Y.‡

Providing for filling vacancies in membership. H. J. Res. 139, introduced June 1, 1921, by Rep. Appleby, R., N. J.‡; H. J. Res. 252, introduced Jan. 9, 1922, by Rep. Appleby\*, reported back (H. Rept. 706) Feb. 15, 1922, re-referred to Committee on Election of President, etc., Feb. 28, 1922.

For four-year terms for members. H. J. Res. 220, introduced Nov. 4, 1921, by Rep. Kline, R., Penn.†

**INCOME TAX:**

Giving Congress power to tax income derived from obligations issued by a State or any political subdivision thereof. S. J. Res. 97, introduced August 8, 1921, by Sen. Smoot, R., Utah; H. J. Res. 231, introduced Dec. 10, 1921, by Rep. Foster, R., Ohio, and referred to the Committee on Ways and Means; H. J. Res. 232, introduced Dec. 14, 1921, by Rep. Green, R., Iowa, and referred to the Committee on Ways and Means.

Providing for Federal taxation of income from State securities and State taxation of income from Federal securities. H. J. Res. 211, introduced October 25, 1921, by Rep. McFadden, R., Penn., and referred to the Committee on Ways and Means; H. J. Res. 314, introduced April 28, 1922, by Rep. Green, R., Iowa, and referred to the Committee on Ways and Means, reported back (H. Rept. 969) May 3, 1922, debated Dec. 19, 1922, amended and passed the House Jan. 23, 1923, referred to Senate Committee on the Judiciary Jan. 24, 1923; S. J. Res. 254, introduced Dec. 8, 1922, by Sen. Kellogg, R., Minn.†

**MARRIAGE AND DIVORCE:**

Giving Congress power to regulate. S. J. Res. 31, introduced April 19, 1921, by Sen. Jones, R., Wash.‡; H. J. Res. 8, introduced April 11, 1921, by Rep. Davis, D., Tenn.‡; H. J. Res. 83, introduced April 25, 1921, by Rep. Codd, R., Mich.‡; S. J. Res. 273, introduced Jan. 23, 1923, by Sen. Capper, R., Kans.‡; H. J. Res. 426, introduced Jan. 23, 1923, by Rep. Fairfield, R., Ind.‡

**OVERSEAS AND NONCONTIGUOUS TERRITORY:**

Giving Congress power to fix and determine the representation in Congress. H. J. Res. 68, introduced April 21, 1921, by Rep. Tower, R., Iowa.†

**POLYGAMY:**

Prohibiting polygamy. H. J. Res. 131, introduced May 24, 1921, by Rep. Gillett, R., Mass.‡ H. J. Res. 137, introduced May 27, 1921, by Rep. Gillett.‡

**PRESIDENT OF THE UNITED STATES:**

Fixing date for commencement of terms. S. J. Res. 8, introduced April 12, 1921, by Sen. Ashurst, D., Ariz.‡; S. J. Res. 253, reported December 5, 1922, in lieu of S. Con. Res. 29\*\* (S. Rept. 933) by Sen. Norris from Committee on Agriculture and Forestry; H. J. Res. 424, introduced January 19, 1923 by Rep. Woodruff, R., Mich.‡; H. J. Res. 461, introduced Feb. 26, 1923, by Rep. Fairchild, R., N. Y.\*

Providing for a single six-year term. S. J. Res. 86, introduced July 21, 1921, by Sen. Harris, D., Ga.‡; H. J. Res. 290, introduced March 20, 1922, by Rep. Wood, R., Ind.‡; H. J. Res. 413, introduced Dec. 16, 1922, by Rep. Lineberger, R., Calif.†

Providing for succession in case of disability. H. J. Res. 9, introduced April 11, 1921, by Rep. Fess, R., Ohio.‡

Relative to election. H. J. Res. 20, introduced April 11, 1921, by Rep. McArthur, R., Ore.; S. J. Res. 54, introduced May 9, 1921, by Sen. Johnson, R., Calif.†

For election by the people. H. J. Res. 50, introduced April 14, 1921, by Rep. Schall, R., Minn.‡; S. J. Res. 151, introduced January 4, 1922, by Sen. Norris, R., Nebr.†

## THE CONGRESSIONAL DIGEST

### PUBLIC OFFICERS:

Giving the President power to appoint certain public officers. H. J. Res. 13, introduced April 11, 1921, by Rep. Griffin, D., Penn. ; Giving Congress power to tax salaries of public officers. H. J. Res. 102, introduced May 3, 1921, by Rep. McFadden, R., Penn., and referred to the Committee on Ways and Means.

### REPRESENTATIVES:

Relative to election of Representatives. H. J. Res. 19, introduced April 11, 1921, by Rep. McArthur, R., Ore.\*

Regulating apportionment of Representatives. H. J. Res. 80, introduced April 25, 1921, by Rep. Dale, R., Vt. ; S. J. Res. 44, introduced May 2, 1921, by Sen. Jones, R., Wash. ; S. J. Res. 47, introduced May 4, 1921, by Sen. Ball, R., Del. ; H. J. Res. 226, introduced Nov. 23, 1921, by Rep. Campbell, R., Kans. ; H. J. Res. 235, introduced Dec. 17, 1921, by Rep. Larsen, D., Ga.†

Providing for four-year terms for Representatives. H. J. Res. 290, introduced March 20, 1922, by Rep. Wood, R., Ind. ; H. J. Res. 390, introduced November 21, 1922, by Rep. Christopherson, R., S. D.\*

Relative to the nomination and election of Representatives. S. J. Res. 53, introduced May 9, 1921, by Sen. Johnson, R., Calif. ; H. J. Res. 365, introduced June 28, 1922, by Rep. Dallinger, R., Mass.\*

Changing the date of commencement of term of office of Representatives. S. J. Res. 253, reported December 5, 1922, in lieu of S. Con. Res. 29\*\* (S. Rept. 933) by Sen. Norris from the Committee on Agriculture and Forestry; H. J. Res. 461, introduced Feb. 26, 1923, by Rep. Fairchild, R., N. Y.\*

Relative to State regulations for election of Representatives. H. J. Res. 115, introduced May 10, 1921, by Rep. Kissel, R., N. Y.\*

### SECTARIAN LEGISLATION:

To prohibit. H. J. Res. 159, introduced June 20, 1921, by Rep. Upshaw, D., Ga.‡

### SENATORS:

Relative to election of Senators. H. J. Res. 19, introduced April 11, 1921, by Rep. McArthur, R., Ore.\*

Relative to State regulations for election of Senators. H. J. Res. 115, introduced May 10, 1921, by Rep. Kissel, R., N. Y.\*

Changing the date of commencement of term of office of Senators. S. J. Res. 253, reported December 5, 1922, in lieu of S. Con. Res. 29\*\* (S. Rept. 933), by Sen. Norris from the Committee on Agriculture and Forestry; H. J. Res. 461, introduced Feb. 26, 1923, by Rep. Fairchild, R., N. Y.\*

### Senator Colt States the Facts in the Case—(cont'd from page 169)

I want to start with this proposition—that I hesitate to change the Constitution of the United States unless for very strong reasons. I feel that the framers of the Constitution were the strongest body of men that ever met to frame a form of government.

In this article that we are considering in regard to amendments they made the Constitution of the United States more difficult to amend than any constitution of this nature which has been framed since that day. The majority should not control—no. It requires two-thirds of each House of Congress. It further requires a ratification by three-quarters of the States. That, on the face of it, makes the Constitution most difficult to amend.

Consider for a moment that this is a popular form of government; that we are dealing with the organic law of a democracy. We naturally turn, therefore, not for guidance but for instruction, to other popular governments. We find that Great Britain, Italy, Belgium, Holland, the Scandinavian countries, and New Zealand treat a constitutional law on a parity with a legislative act, and therefore the constitution in those countries is changed the same as a statute is changed. We find in France that the constitution is changed by a vote of the two houses of Congress in grand committee. We find that in Canada the constitution is changed by the act of the Imperial Parliament of Great Britain. We find, however, that in Switzerland the constitution is amended by a referendum to the people. That method also prevails in Australia.

It does not, however, prevail in this country under the Constitution of the United States, though it does prevail

Relative to the nomination and election of Senators. S. J. Res. 53, introduced May 9, 1921, by Sen. Johnson, R., Calif. ; H. J. Res. 365, introduced June 28, 1922, by Rep. Dallinger, R., Mass.\*

### STATE SECURITIES:

Giving Congress power to tax gains, profits, and incomes from State securities. H. J. Res. 102, introduced May 3, 1921, by Rep. McFadden, R., Penn., and referred to the Committee on Ways and Means.

### SUPREME COURT OF THE UNITED STATES:

Fixing number of judges whose concurrence is required to declare a law unconstitutional. H. J. Res. 15, introduced April 11, 1921, by Rep. Hayden, D., Ariz.‡

### TARIFF COURT:

To create a tariff court. H. J. Res. 380, introduced September 18, 1922, by Rep. Ansorge, R., N. Y., and referred to the Committee on Ways and Means.

### TAXATION:

Providing that Congress shall have no power to lay and collect income or other direct tax. H. J. Res. 346, introduced June 12, 1922, by Rep. Layton, R., Del., and referred to the Committee on Ways and Means.

### TREASON:

Defining treason. H. J. Res. 197, introduced August 24, 1921, by Rep. McKenzie, R., Ill. ; H. J. Res. 250, introduced January 6, 1922, by Rep. Edmonds, R., Penn.‡

### TREATIES:

Relative to making and ratifying treaties. S. J. Res. 15, introduced April 12, 1921, by Sen. Owen, R., Okla. ; H. J. Res. 13, introduced April 11, 1921, by Rep. Griffin, D., N. Y.‡

### WOMEN:

Giving Congress power to regulate employment of women. H. J. Res. 28, introduced April 11, 1921, by Rep. Rogers, R., Mass.‡

\* Referred to the Senate Committee on the Judiciary.

† Referred to the House Committee on the Judiciary.

‡ Referred to the Committee on Election of President, Vice President, and Representatives in Congress.

\*\* S. Con. Res. 29 expressing the sense of the Senate and House of Representatives that members failing of resolution should not participate in the enactment of legislation which the people at the polls had sought to repudiate, submitted by Sen. Caraway, D., Ark., Nov. 22, 1922, and referred to Committee on Agr. and Forestry.

with respect to amendments of the Constitutions of the different States. But the framers, according to my understanding, had an idea that this was a Federal Government, a union of sovereign States, who gave up certain of their sovereign rights for the purpose of forming a national government; and therefore the framers dealt with the legislatures of the States as representing the States, or with conventions held within the States as representing the States; and there is no provision in the Constitution under which the people may vote directly on the question of an amendment.

The fundamental defect in a popular government when the people are not aroused by war, but in time of peace—the fundamental defect, which I do not know how you can overcome—is the indifference, the apathy, the indolence, the neglect of the average citizen so far as his civic duties are concerned. If you will turn to the referendums on constitutional questions, whether in Switzerland or in the United States, you will find that it is a very rare instance when 50 per cent of the qualified electors have voted.

That premise leads to this: If you go to the people you will find that, owing to their indifference and indolence with regard to these questions, the propagandists, whether in favor of woman suffrage or in favor of prohibition, will have practically the same advantage that they have when they apply the propaganda to the legislature. I mean simply this, that I do not think you will realize the result that you hope to realize from having a popular expression in this form upon constitutional amendments.—*Extracts.*

## The Sheppard-Towner Maternity Act Before the Courts

**T**HE act, for the "Promotion of the welfare and hygiene of maternity and infancy," became a law November 23, 1921.

"The act authorizes an annual appropriation of \$1,240,000 for a five-year period, of which not to exceed \$50,000 may be expended by the Children's Bureau for administrative purposes and for the investigation of maternal and infant mortality, the balance to be divided among the States accepting the act as follows: \$5,000 unmatched to each State, and an additional \$5,000 to each State if matched; the balance to be allotted among the several States on the basis of population and granted if matched.

National administration of the act is lodged with the Children's Bureau; local administration in the States is in the child-hygiene or child-welfare division of the State agency of health or, where such division does not exist, the agency designated by the State.

The act intends that the plan of work shall originate in the State and be carried out by the State. A Federal Board of Maternity and Infant Hygiene, composed of the Chief of the Children's Bureau, the Surgeon General of the U. S. Public Health Service, and the U. S. Commissioner of Education, may approve or disapprove State plans, but the act provides that the plans must be approved if reasonably appropriate and adequate to carry out its purposes."†

Section 4 of the act provides that in order to secure the benefits of the appropriations authorized by the act, any State shall, through the legislative authority thereof, accept the provisions of the act and designate or authorize the creation of a State agency to cooperate with the Children's Bureau in the administration of the provisions of the act. If the legislature of any State has not made provision for accepting the provisions of the act the governor of such State may in so far as he is authorized to do so by the laws of such State accept the provisions of the act and designate or create a State agency to cooperate with the Children's Bureau until six months after the adjournment of the first regular session of the legislature in such State following the passage of the act.

The latest report from the Children's Bureau (March 19, 1923) announces that the following twenty-six state legislatures have accepted the provisions of the act: (The dates given indicate the day on which the Governor approved the legislature's action. When the dates are omitted, the date of the final approval of the Governor has not reached Washington.) Alabama, February 14, 1923; Arkansas, Connecticut,\* April 15, 1919; Delaware,\* April 7, 1921; Georgia, August 16, 1922; Idaho; Indiana, March 3, 1923; Kentucky, March 25, 1922; Maryland, April 13, 1922; Minnesota,\* April 20, 1921; Mississippi, March 28, 1922; Nevada; New Hampshire,\* April 14, 1921; New Jersey, March 17, 1922; New Mexico,\* March 11, 1921; North Carolina; North Dakota; Oregon, December 24, 1921; South Dakota; Tennessee; Texas; Utah; Virginia, Feb. 27, 1922; Washington, March 17, 1923; Wyoming. The five states which have not accepted the act are: Maine, Massachusetts, Rhode Island, New York and Louisiana. In the remaining seventeen states, acceptance of the act had been made by the Governor pending the next regular session of the state legislature. The legislatures of these states con-

† Quotations from Tenth Annual Report of the Chief of the Children's Bureau.

\* The States anticipated the probable passage by Congress of the Act and authorized cooperation by a State agency.

vened in January of this year and the result of any action that they take will soon be known.

The State of Massachusetts questioned the constitutionality of the act and, in response to an order of the state legislature, the Attorney General of Massachusetts, J. Weston Allen, rendered an opinion in which he declared the act unconstitutional. The State of Massachusetts thereupon petitioned the U. S. Supreme Court on September 8, 1922 for leave to file a bill of complaint in a suit between the State of Massachusetts and Andrew W. Mellon, Secretary of the Treasury, Grace Abbott, Chief of the Children's Bureau, Hugh S. Cumming, Surgeon General of the Public Health Service, and John J. Tigert, Commissioner of Education. The suit would restrain these officials who are charged with the administration of the law from carrying its provisions into effect, especially by prohibiting the expenditure of any public funds. It is contended that Congress unlawfully assumed a power not delegated to it, but reserved to the States by the Tenth Amendment to the Constitution, when it passed this act. The argument is advanced that appropriations made under the act are for local and not national purposes, that the burden of paying for it falls unequally on the States, and that the sovereign powers of the plaintiff are usurped. The petition of the State of Massachusetts to bring suit was granted by the U. S. Supreme Court on October 23, 1922. The return was set for January 2, 1923, on which date Solicitor General Beck moved on behalf of the Government that the action of the Commonwealth of Massachusetts be dismissed. This motion was to have been argued before the Court on January 22, 1923, but was indefinitely postponed.

A second attack upon the Maternity and Infancy Act was made on December 20, 1922 when Mrs. Harriet A. Frothingham, a resident of Boston, brought suit in the Supreme Court of the District of Columbia against the officials who administer the act. Mrs. Frothingham sues both as a State and Federal taxpayer, to restrain the public officials from spending public money under the act. Mrs. Frothingham says she will be compelled to pay taxes toward the annual expense provided for in the bill, and thus be required to pay for advantages to other States. The plaintiff claims Congress exceeded its powers in passing this legislation, and that the act interferes with State rights and personal liberty. The argument before Chief Justice McCoy of the District Supreme Court on February 9, was opened for the defendants, by U. S. Assistant Attorney West, who moved that the case be dismissed on the ground that it is in effect one against the U. S. Government, that no facts are alleged, which if true, would entitle the plaintiff to relief, and that the bill of complaint is without equity. On February 16 the motion to dismiss was granted by the court.

Attorneys for Mrs. Frothingham gave notice that the case would be appealed. On March 16 the case came before the District Court of Appeals. Both sides submitted briefs without oral argument, and on March 21, that court affirmed the action of the lower court.

Lawyers on both sides have been trying to have the "tax-payers' case" (*Frothingham v. Mellon et al.*, No. 3967) expedited, so that it may reach the U. S. Supreme Court in time to be argued with the "State case" (*Massachusetts v. Mellon et al.*, No. 24. Original). The U. S. Supreme Court recessed on March 19 until April 9, and if these cases are not heard during the few remaining weeks before the final adjournment of this term, it will necessitate their being held over until the October term.

## Is the Sheppard-Towner Maternity Act Unconstitutional?

*Yes*

Hon. J. Weston Allen  
*Attorney General of Massachusetts*

THE powers given to the Federal Government are only those which are necessary to the existence and effective maintenance of the Nation. There is no grant of power to Congress to regulate the internal affairs of the States, excepting that given by the eighteenth amendment. The police power is a necessary part of the sovereign powers of the States, and was reserved to them by the tenth amendment. Each State has the right and duty to provide for the general welfare of its people and in those respects the authority of the State is complete, unqualified and exclusive.

The present act vests in the Federal Government certain powers relating to maternity and infancy. These matters manifestly fall within the scope of the police power. Most of the expense will be borne by a small minority of the States, while a majority of the States will receive a corresponding benefit for which they do not pay. If the United States possesses no police power, as the Supreme Court of the United States has often held, it would seem that this act is an attempt to usurp an authority reserved to the States and to exercise it at the expense of a minority of them, of which this Commonwealth is one.

It appears from the debates in Congress that the proponents of this measure attempt to support it upon the ground that it is a provision for the general welfare of the people of the United States. The words "general welfare" occur twice in the Constitution, once in the preamble and once in Article 1, section 8.

It is plain that the words "to pay the debts and provide for the common defense and general welfare of the United States" are not a substantive grant of power but a qualification of the first enumerated power "to lay and collect taxes, duties, imposts, and excises." Argument is not needed to support this proposition, because the authority for it is conclusive.

If the powers attempted to be exercised by the Sheppard-Towner Act are outside the powers conferred upon Congress by the Constitution and within the field of the powers reserved to the States, the act is not made constitutional and valid by the circumstance that those powers will only be exercised in or with respect to those States whose legislatures accept it; for Congress can not assume and the State legislatures can not yield the powers reserved to the States by the Constitution. They can only be granted to the Federal Government by an amendment to the Constitution.

I am therefore constrained to say that I am of opinion that the act referred to is not within the constitutional powers of the Federal Government.

If the act is not accepted and does not become operative within the Commonwealth, it does not follow that the Commonwealth is not affected if the act is put into effect in other States. The grants to such States are to be paid out of the Federal Treasury. The Treasury is replenished by internal revenue taxes paid by the people of the several States. It has been estimated that 5.66 per cent of those taxes are paid by the citizens of Massachusetts. If Massachusetts can and does accept the act, it has been estimated that the return to it thereunder will be less than half the amount collected from its citizens. If Massachu-

*No*

Hon. Horace Mann Towner  
*Former Representative from Iowa*

THE question raised is whether there is constitutional sanction for the maternity law. It is claimed by the contestants that the Constitution of the United States does not grant power to Congress to tax the people "for the promotion of the welfare and hygiene of maternity and infancy."

Congress by the passage of the act in question, and the President by his approval, have declared that the legislation will promote the "general welfare of the United States." If so the act is directly under the authority of a specifically stated and enumerated power granted by the Constitution to Congress.

In this case we find that one of the purposes stated in the preamble is to promote the general welfare, and that statement of purpose is followed in the body of the Constitution by an express grant of power to Congress to tax and appropriate for the general welfare. It would appear unnecessary under these conditions to argue that Congress has such power.

The marvelous wisdom and prescience of the makers of our Constitution is shown by the fact that, although the supreme purpose of its creation was to promote and secure the general welfare of the people, power was not granted Congress to legislate directly for such purpose. But power was granted Congress to appropriate money for the general welfare and thus to carry out its expressed purpose without infringing upon the rights of the States, and in this way to cooperate with and aid them in promoting the general welfare of those who are at once citizens of the State and of the Nation.

And do those who now contest that power think that the Supreme Court, after all these years of continual and uncontested exercise of such power, will interpret that provision of the Constitution which grants the power so as to make it senseless and absolutely ineffective? It would seem that such position is not only unreasonable but reactionary in extreme degree, and that any hope or expectation of a successful result is without reasonable prospect of fulfillment.

Literally hundreds of acts have been passed by Congress which have no express nor implied constitutional sanction, except that they were justified under the general-welfare clause; and from the first every President of the United States has approved such acts. No veto has ever been rendered by any President based on the grounds now urged. No suit has ever been brought contesting the right of Congress to pass appropriations for the purpose stated, and no decision of any court can be cited as authority for the position now taken against this legislation.

As our growth in population has increased, as the diversification and extent of our industrial and commercial activities have extended, as our progress in scientific knowledge has enlarged our mental horizon, and especially as humanitarian and moral standards have been elevated, "public welfare" has attained an enlarged and nobler significance.

Indeed, most, in number at least, of the laws carrying appropriations which are now made must find justification for their enactment in the power granted to Congress to appropriate for the public welfare. If appropriations are not justified in the present instance, many of the

(Continued on page 177)

(Continued on page 177)

## Governors Discuss State Acceptance of Maternity Act

*Pro*

Hon. Alfred E. Smith, Governor of New York

*From the Governor's Message, January 3, 1923*

A CTIVITY by the State for the preservation of public health can never be too broad. While we may congratulate ourselves upon the steadily diminishing death rate, we must not permit ourselves to slow down for a single moment any effort that the State should put forth for the protection of the public health and the prevention of disease. Too many people are prone to the idea that health is the concern of the individual. I believe it to be the business of the State, because the State itself cannot be healthier than its people.

Because it affects the preparation of the Appropriation bill, I have but one concrete suggestion to make at this time. I venture to suggest now that the State, as a matter of sound policy, should take advantage of the Federal appropriations made by the Congress of the United States under "The Sheppard-Towner act to promote the welfare and hygiene of maternity and infancy." New York State pays a large portion of the Federal taxes, and should take full advantage of appropriations thus made. Whether one quarrels with the principle or not makes little difference. The place to voice any objection to the principle is in the halls of Congress. The policy having been once adopted, the State of New York should avail itself of the offer of the Government. Certainly nobody can complain about the purpose for which the appropriation was made.

Hon. R. A. Nestos, Governor of North Dakota

*From the Governor's Message, January 3, 1923*

I T IS universally conceded that the future welfare of our State is largely determined by the conditions under which our children are born and grown to mature manhood and womanhood. It is evident that to promote the welfare of these children we need the best possible legislation with reference to maternity, the care of boys and girls, the cure of crippled children, the training of dependents and delinquents and a general supervision over the growing boyhood and girlhood so as to insure the best results in the future citizenship of the State. During the past year an excellent commission has been at work preparing legislation on these subjects, and I would urge upon you a friendly and helpful interest in the legislation so proposed to the end that as a result of your legislative labors North Dakota may stand at the forefront of the States of the Union in promoting the welfare of the growing manhood and womanhood.

Closely related to this report and to the proposed rearrangement of the regulatory measures of our State is the question of the conservation and promotion of the health of our people, and I sincerely hope that you will give to this problem your most serious consideration in order that our State may take its place among the best in the Union in legislation and administration designed to promote the conservation of the people's health, the control and elimination of communicable diseases, and the spreading of the gospel of good health among all of the people of our State. An appropriation to enable the State to take advantage of the Sheppard-Towner Act should be made.

*Con*

Hon. Percival D. Baxter, Governor of Maine

I BELIEVE the time has come for the States of the Union to hold to a principle and to carefully scrutinize all offers of "Federal aid" before accepting them. I decline to accept the Sheppard-Towner bill, and this State for the time being will stand with New York, Massachusetts, and Rhode Island, the three States that have rejected it. The State of Maine will not sell its birthright, and principle, not expediency, has been the determining factor with me in the solution of this problem. The financial aspects of Federal aid is interesting. The proffered \$5,000 has been referred to as a "free gift" to the State of Maine, while in reality the Federal Government is taxing the State to raise this money; and now, in order to help our mothers and children, offers to pay back to the State the trivial sum of less than two-thirds of 1 cent for each inhabitant. At the present time over \$18,000,000 is annually taken in taxes by the Federal Government from the people of Maine, and less than \$1,250,000 is returned to the State in the form of Federal aid. This \$18,000,000 of Maine money is paid into the Federal Treasury at Washington, a large portion being absorbed in heavy administration expenses at the Federal Capital, and a small fraction being returned to the State.

During the World War the power of the Federal Government over the States of the Union was extended beyond precedent. The time now has arrived, however, when our States should be restored to their former status and should guard against further encroachment. The founders of this Government saw the menace of Federal control, and from Washington's time to the present our greatest statesmen have warned against it.

The people of Maine are willing and able to care for their own mothers and children, and I have faith to believe that Maine men and women will do this rather than accept so-called gratuities from a Federal bureau. Already we are overburdened with Federal interference and control, and our citizens and industries are hampered by Federal inspectors and other officials from Washington.

The final acceptance or rejection of the Sheppard-Towner bill must be determined by the members of the incoming legislature, who directly represent the people of this State. It would be unfair to these representatives if the governor in advance should commit the State to the principle involved in the bill, for in that way the door to independent action by the legislature virtually would be closed.

The existing provisions of the Sheppard-Towner bill are reasonably moderate, but it properly may be assumed that attempts will be made to broaden its scope so as to further restrict the State's control over its own affairs. It is apparent that the present bill is but an entering wedge for more radical legislation, and Maine's delegation in Congress, should be urged to resist all further encroachments upon the States by the Federal Government.

If the time ever comes when Maine refuses to care for its mothers and children or lags behind other States in humanitarian work, then it may become necessary for the Federal Government to intervene, or at least to offer advice and assistance. We are not confronted with this condition at the present time and should not encourage the centralization of power in Washington.—*Extracts from Interview in Boston Evening Transcript, July 17, 1922.*

## Recent Presidential Appointments to Important Federal Positions

Confirmed by the Senate During the Fourth Session

| APPOINTMENT  | APPOINTEE                       | DATE CONFIRMED | APPOINTMENT                            | APPOINTEE                   | DATE CONFIRMED |
|--|---------------------------------|----------------|--|-----------------------------|----------------|
| Postmaster General                                   | Harry S. New, Ind.              | Feb. 27, 1923  | Member, Coal Commission                | John Hays Hammond, D. C.    | Dec. 11, 1922  |
| Sec'y of the Interior                                | Hubert Work, Colo.              | Feb. 27, 1923  | Member, Coal Commission                | Thomas Riley Marshall, Ind. | Dec. 11, 1922  |
| Solicitor, Dept. of Commerce                         | Stephen B. Davis, N. Mex.       | Dec. 22, 1922  | Member, Coal Commission                | Samuel Alschuler, Ill.      | Dec. 11, 1922  |
| Asst. Director, Bureau Foreign and Domestic Commerce | Robert A. Jackson, N. Y.        | Feb. 5, 1923   | Member, Coal Commission                | Clark Howell, Ga.           | Dec. 11, 1922  |
| Ass't Sec'y of Treasury                              | Moss McKenzie, Ky.              | Mar. 2, 1923   | Member, Coal Commission                | George Otis Smith, Me.      | Dec. 11, 1922  |
| Solicitor of Internal Revenue                        | Nelson T. Hartson, Wash.        | Dec. 21, 1922  | Member, Coal Commission                | Edward T. Devine, N. Y.     | Dec. 11, 1922  |
| Third Ass't Sec'y of State                           | J. Butler Wright, Wyo.          | Jan. 30, 1923  | Member, Coal Commission                | Charles P. Neill, D. C.     | Dec. 11, 1922  |
| Ass't Sec'y of War                                   | Dwight Davis, Mo.               | Mar. 2, 1923   | Member, Interstate Commission          | Charles C. McChord, Ky.     | Dec. 21, 1922  |
| Ambassador to Cuba                                   | Maj. Gen. Enoch H. Crowder, Mo. | Feb. 10, 1923  | Member, Interstate Commerce Commission | Joseph B. Eastman, Mass.    | Dec. 21, 1922  |
| Ambassador to Peru                                   | Miles Poindexter, Wash.         | Feb. 19, 1923  | Member, Federal Reserve Board          | D. R. Crissinger, Ohio      | Mar. 2, 1923   |
| Ambassador to Japan                                  | Cyrus E. Woods, Pa.             | Mar. 3, 1923   | Member, Federal Reserve Board          | Milo D. Campbell, Mich.     | Jan. 24, 1923  |
| Ambassador to Spain                                  | Alexander P. Moore, Pa.         | Mar. 3, 1923   | Member, U. S. Tariff Commission        | Henry H. Glassie, D. C.     | Mar. 1, 1923   |
| Minister to Sweden                                   | Robert Woods Bliss, N. Y.       | Mar. 30, 1923  | Director, War Finance Corporation      | Frank W. Mondell, Wyo.      | Mar. 2, 1923   |
| Minister to the Netherlands                          | Richard M. Tobin, Calif.        | Feb. 27, 1923  | Member, U. S. Employees Comp. Com.     | C. H. Verill, Md.           | Mar. 2, 1923   |
| Governor of Porto Rico                               | Horace M. Towner, Iowa          | Mar. 2, 1923   | Associate Justice, U. S. Supreme Court | Pierce Butler, Minn.        | Dec. 21, 1922  |
| Member Civil Service Commission                      | William C. Deming, Wyo.         | Mar. 1, 1923   | Associate Justice, U. S. Supreme Court | Edward T. Sanford, Tenn.    | Jan. 29, 1923  |
| Director U. S. Veterans' Bureau                      | Frank T. Hines, N. Y.           | Mar. 2, 1923   |  |                             |                |
| Member World War Foreign Debt Commission             | Charles R. Crisp, Ga.           | Mar. 2, 1923   |  |                             |                |
|  | Richard Olney, Mass.            | Mar. 2, 1923   |  |                             |                |

## Final Status of Bills Endorsed by Women's Joint Congressional Committee

*This Committee is composed of the representatives of sixteen National Organizations*

### I. Child Labor Amendment.

Endorsed by eleven member organizations.  
Final Outcome: See page 165.

### II. The Promotion of Physical Education.

Endorsed by eight member organizations.  
Bills: Fess (H. R. 22), Capper (S. 416).

Final Outcome: See Reorganization of Government Departments, page 164.

III. To Provide for Education in Home Economics by amending the Vocational Education Act of Feb. 23, 1917.

Endorsed by eight member organizations.

Bill: Fess (H. R. 21).

Final Outcome: Not reported from Committee.

IV. The Establishment of a Federal Department of Education.

Endorsed by nine member organizations.

Bills: Towner (H. R. 7), Sterling (S. 1252).

Final Outcome: See Reorganization of Government Departments, page 164.

### V. Reclassification of Government Employees.

Endorsed by six member organizations.

Bills: Lehlbach (H. R. 8929), Sterling (same).

Final Outcome: Public law No. 516. See page 164.

### VI. Compulsory School Attendance in the District of Columbia.

Endorsed by seven member organizations.

Bills: Capper (S. 2040), Foch (H. R. 7038).

Final Outcome: S. 2040 passed Senate September 1, 1922. Reported to House September 16. No further action.

### VII. The Transfer of the U. S. Inter-Departmental Social Hygiene Board to the Department of Justice.

Endorsed by six member organizations.

Bills: Kahn (H. R. 11490), Jones (Wash.) (S. 3544).

Final Outcome: Senate bill came up on February 12, and was passed over on objection. The House bill came up on March 1, but was sidetracked. The measure was unacted upon when Congress adjourned.

### VIII. Enforcement of Maternity and Infancy Act.

Endorsed by fourteen member organizations.

Status: The Federal Maternity and Infancy Act is before the United States Supreme Court.

## Is the Sheppard-Towner Maternity Act Unconstitutional?—*Cont'd from page 175*

*Hon. J. Weston Allen*

sets does not accept the act, its citizens will be taxed to carry into effect an unconstitutional law in other States.

Where an act of Congress encroaches upon the rights reserved to the States by the tenth amendment any State affected thereby must have the right to resort to some tribunal for the protection of those rights or be without remedy. That the States themselves are entitled to such protection by the judicial power, and that it is the duty of the court, in a proper case, to hold such an act unconstitutional and to grant relief, has several times been declared.—*Extracts from Opinion upon the Constitutionality of Sheppard-Towner Act.*

*Hon. Horace Mann Towner*

present activities of the General Government would have to be discontinued.

There has never been at any time a purpose on the part of the proponents of this legislation to control the States in carrying out its objects. Everything that would carry such an inference even has been excluded from the provisions of the act. Only such requirements as are absolutely necessary to protect the General Government from a misuse of the funds have been retained. It is not to control the States but to aid and encourage them, and to stimulate them to activity that this legislation is designed.—*From Congressional Record.*

THE CONGRESSIONAL DIGEST

## Congress Day By Day

### Principal Action on the Floor of the Senate and House, Feb. 16-Mar. 4, 1923

(*Exclusive of debate, bills or resolutions introduced, and committee reports.*)

February 16, 1923

**SENATE:**

Passed the British Debt Funding bill (H. R. 14254) by vote of 70 to 13 after prolonged debate. The Robinson amendment under which any future debt settlement must be approved by Congress, was adopted; also the amendment by Sen. Harris (D., Ga.) providing for the appointment of three Democrats on the Debt Funding Commission. A feature of the discussion was the French occupation of the Ruhr which was attacked and defended.

Effort to bring up the Ship Subsidy bill was futile.

President Harding transmitted an estimate from the budget bureau of \$20,950,000 to meet the cost of scrapping the battleships, under plan agreed upon at the arms conference.

**HOUSE:**

Adopted Rep. Cramton's (R., Mich.) resolution (H. Res. 503) making inquiry regarding the importation of intoxicating liquors by foreign diplomats.

After long debate passed the Omnibus Naval bill (S. 4137) authorizing the increased cost of certain war ships now building, and providing for the work to be done in government plants whenever possible. An amendment was adopted, agreeing that alterations should be made only after determining that there would be no violation of the naval limitation treaty.

February 17, 1923

**SENATE:**

The Ship Subsidy bill (H. R. 12817) was again brought up without definite action. Sen. Jones gave notice that a night session would be in order until agreement for a vote, or the vote itself was reached.

Sen. Owen (D., Okla.) spoke at length on the proposal that would make any action of Congress superior to the Supreme Court and restricting the power of that Court in holding acts of Congress unconstitutional. This proposal was opposed by Sen. Shields (D., Tenn.) discussing it from the legal standpoint. Sen. Colt (R., R. I.) and Sen. Kellogg (R., Minn.) spoke vigorously in defense of the Supreme Court.

Passed (S. 425) authorizing the Attorney General to fix the salaries of United States District Attorneys and Marshals.

Passed (S. J. Res. 282) to continue the life of the joint committee on reorganization of the executive departments into the 68th Congress.

**HOUSE:**

Discussed the proposed Strong bill amending the Farm Loan Act. Under this amendment the amounts loaned to farmers by land banks would be increased.

Adopted the full and final conference report on the Agricultural Appropriation bill.

February 19, 1923

**SENATE:**

Passed amendment to Civil Service Act (S. 4167) to extend its privileges and benefits to employees in the Panama Canal Zone.

A strategic battle was said to be lost by advocates of the Ship Subsidy bill when the Senate refused, by a vote of 44 to 42, to lay on the table the motion by Sen. Ladd (R., N. D.) to lay aside the Shipping bill and proceed with the consideration of the Filled Milk bill. (H. R. 8080.)

Passed bill (S. 4216) authorizing the sale of about fifty pieces of real estate no longer used by the military department.

Passed bill (S. 4552) for the Federal incorporation of Belleau Woods Memorial Association, with authority to acquire parts of that battlefield and erect suitable monuments.

**HOUSE:**

Passed bill (H. R. 14081) for the establishment of an American Battle Monument Commission to erect suitable memorials commemorating the service of American soldiers in Europe.

Passed the Spencer bill (S. 2921) to amend the act establishing a uniform system of bankruptcy.

Passed bill (H. R. 13326) for the establishment of a military park at Yorktown, Va., where Gen. Cornwallis surrendered.

February 20, 1923

**SENATE:**

The organized filibuster against the Ship Subsidy bill (H. R. 12187) consumed practically the entire session, with Sen. Sheppard (D., Texas) speaking seven hours. Sen. Williams (D., Miss.) relieved the Texas Senator and was followed by Sen. Caraway (D.,

Ark.). Sen. Norrin (R., Nebr.) made another attack on the Ford offer for the Muscle Shoals power project.

**HOUSE:**

Passed the Strong bill (H. R. 14270) to amend certain sections of the Farm Loan act, increasing the maximum of land bank loans to farmers from \$10,000 to \$16,000, with provision for loans up to \$25,000 in exceptional cases.

Discussed conference report on the War Department Appropriation bill (H. R. 13793) but reached no final action.

February 21, 1923

**SENATE:**

The filibuster against the Ship Subsidy bill (H. R. 12817) was resumed by Sen. Reed (D., Mo.) who urged the necessity of purchasing from France and England certain islands in the Caribbean Sea.

Sen. Borah (R., Idaho) made an appeal for the recognition of the present Soviet government of Russia. Sen. Lodge (R., Mass.) denied the statements by Sen. Borah that the Soviet government was maintaining order throughout Russia and affording adequate protection to foreigners.

**HOUSE:**

War Department Appropriation bill (H. R. 13793) considered and sent back to conference. By a vote of 177 to 134 it was decided that the provision prohibiting the enlistment of persons under the age of 21 without consent of parents, should stand. Adopted amendment which will deny retired pay to officers of the Army employed by individuals or corporations engaged in selling any merchandise or material to the War Department.

February 22, 1923

**SENATE:**

The filibuster against the Ship Subsidy bill continued all day and late into the night, and was broken only long enough to permit the reading of Washington's Farewell Address by Sen. Glass (D., Va.).

Passed the resolution (H. J. Res. 460) accepting the sword of Gen. Richard Montgomery, as a gift of the nation to be placed in the Smithsonian Institution.

Sen. Gooding (R., Idaho) spoke for more than hour on wheat stabilization and in advocacy of legislation proposed by him.

**HOUSE:**

Adopted Senate amendments to the British Debt Funding bill (H. R. 14254). The measure now goes to the President for his approval.

Debated amendment to Trading with the Enemy act (H. R. 14222) authorizing the Custodian to return to owners all property taken over during the war amounting to \$10,000 and to restore an equal sum on all trusts held by him.

Rep. Hawley (R., Oreg.) read Washington's Farewell Address.

February 23, 1923

**SENATE:**

Continued discussion of the Ship Subsidy bill (H. R. 12817) consumed nearly the whole session, without any definite action. An agreement was reached not to hold night sessions. Opponents declared that this meant the end of the fight, and that a motion to recommit the bill would prevail. Some of the leaders admitted that the bill was "as good as dead."

Sen. Frelinghuysen (R., N. J.) stated in his speech that the southern senators who were opposing the bill were blocking the service to southern ports now provided by the merchant marine.

Sen. Brookhart (R., Iowa) concluded his speech, begun Thursday, bearing upon the salaries paid railroad officials; Sen. Robinson (D., Ark.) discussed immigration; Sen. Stanley (D., Ky.) and Sen. Willis (R., Ohio) spoke on the prohibition question; Sen. Ladd (R., N. D.) discussed the national monetary system, while others briefly talked about various topics and managed to consume the time until adjournment.

**HOUSE:**

Passed (H. R. 14222) to amend the Trading with the Enemy Act, which includes a provision for the return of as much as \$10,000 of each trust of former aliens held by the Alien Property Custodian.

February 24, 1923

**SENATE:**

After routine business, the Ship Subsidy bill (H. R. 12817) was again taken up for discussion. Sen. Robinson's (D., Ark.) motion to recommit was postponed for a day. Chairman Jones in charge

## THE CONGRESSIONAL DIGEST

### Congress Day by Day—*cont'd*

of the bill asked for cooperation to secure a decision at an early date.

President Harding in a message asked the Senate to authorize American membership in the permanent court of international justice.

Passed the American Bar Association bill which extends time for filing claims for refund of internal revenue taxes until March 1, 1924, but only where a waiver has been given.

Passed bill (H. R. 13326) authorizing the appointment of a commission to report on the establishment of a national park at Yorktown, Va.

Passed bill (S. 1076) establishing a standard for certain naval stores, and providing standards for the grading of rosin and turpentine.

Passed bill (H. R. 6954) providing for the mailing of one page of a magazine or newspaper, instead of the whole, to an advertiser as evidence that the advertisement had been inserted.

Passed a resolution (S. J. Res. 168) authorizing the construction of a memorial building in Washington to commemorate the services of the women during the World War.

**HOUSE:**

The Third Deficiency Appropriation bill (H. R. 14408) consumed nearly the whole day, without final action.

Rep. Gallivan (D., Mass.) discussed the Prohibition amendment.

Rep. Tinkham (R., Mass.) also spoke in criticism of present prohibition enforcement methods.

February 26, 1923

**SENATE:**

Final disposition of the shipping bill was deferred by an extended speech in its support by Sen. Ransdell (D., La.) who called upon its opponents to bring forward a constructive substitute.

Adopted (S. Res. 425) asking the Bureau of Mines to make a report regarding the percentage of impurities in commercial anthracite, and whether standardization was desirable.

**HOUSE:**

Considered and passed the Third Deficiency bill (H. R. 14408).

February 27, 1923

**SENATE:**

Reached a unanimous consent agreement to vote at 1 o'clock, February 28th, on the motion to recommit the shipping bill.

The shipping bill was debated more or less all afternoon. Sen. Pepper (R., Pa.) spoke in criticism of the filibuster that has been maintained against the measure and of the rules which permitted such action.

Passed bill (S. 4609) to permit reduction of passport visa fees of nations entering into reciprocal agreements with the United States.

Adopted a resolution by Sen. Ashurst (D., Ariz.) calling on the Interstate Commerce Commission to report the extent to which railroads have been permitted to operate or control steamship and other water transportation lines.

**HOUSE:**

Spent the day considering, and finally agreed to the conference report on the bill (H. R. 11939) providing for State taxation of national banks.

February 28, 1923

**SENATE:**

After rejecting, by a vote of 48 to 36, the motion to recommit the Ship Subsidy bill, the Senate, by a vote of 63 to 7, laid it aside, and proceeded with a consideration of the Filled Milk bill (H. R. 8080). Displacing of the Ship Subsidy bill buried it, and Chairman Jones, in charge of the measure, announced that he would make no further effort to bring it up before adjournment.

Passed the bill (S. 4119) authorizing the erection in the City of Washington of a monument in memory of the faithful colored mammoths of the South.

Under the provisions of a resolution (S. J. Res. 277) which was passed, a monument will be erected to symbolize the national game of baseball.

Adopted resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary into foreign countries.

Passed the compromise bill (S. 3855) to settle land claims of persons not Indians, within Pueblo Indian lands in New Mexico.

Passed the Borah bill (S. 4160) increasing the powers of the coal commission.

Passed the Harrison resolution (S. J. Res. 283) directing the public utilities commission to investigate the rate charged by taxicabs and automobiles in Washington for hire; also a bill (H. R. 5018) to widen certain parts of First Street N. E.

Passed bill (S. 4245) to provide necessary organization for enforcement of the tariff act.

Adopted a resolution (S. J. Res. 287) authorizing the creation of a joint congressional commission of gold and silver inquiry.

**HOUSE:**

Passed bill (H. R. 14435) making the annual appropriation for the bonus of \$240 to Federal employees.

Debate on Farm Credit bill (S. 4280) took up the greater part of the day.

March 1, 1923

**SENATE:**

Passed without a record vote the Filled Milk bill (H. R. 8080) which prohibits the transportation of filled milk in interstate and foreign commerce.

Passed the Third Deficiency bill (H. R. 14408). \$400,000 was included for the Coal Commission.

The Reclassification bill (H. R. 8928) involving grades and pay of practically all Federal employees and of the District of Columbia, was made the unfinished business and will be taken up for consideration March 2nd.

Passed (H. J. Res. 453) requesting the President to negotiate with foreign nations toward the reduction of opium and its derivatives.

Agreed to a conference on the House Compromise rural credit bill.

Sen. Dial (D., S. C.) in a speech urged amendment of the cotton futures law so as to specify the grades of cotton delivered to the buyer. Sen. Overman (D., N. C.) charged that governmental estimates had been cut down for political effect and then supplemented by requests for substantial deficiency appropriations.

Adopted House bill appropriating an aggregate of \$20,950,000 for modernization of battleships and reimbursement of contractors as a result of naval scrapping program.

Concurred in House amendments to the bill relating to State taxation of national banks.

**HOUSE:**

Passed the composite Farm Credit bill (S. 4280) by a vote of 305 to 26 and sent it to conference. Under this bill two systems of banking, one private and the other government, will be established to meet the needs of the agricultural industry.

Passed bill (S. 1076) establishing a standard for naval stores.

Passed a bill (H. R. 13550) authorizing the Secretary of the Interior to contract with an irrigation company to carry out provisions of the convention between the United States and Mexico.

March 2, 1923

**SENATE:**

Passed without a record vote the bill (H. R. 8928) for the reclassification of the grades and pay of Federal employees throughout the country and District of Columbia.

Adopted a resolution (S. Res. 466) providing for a complete investigation after adjournment of Congress of the Veterans' Bureau by a special Senate committee of three members.

**HOUSE:**

Passed bill (S. 4216) authorizing the sale of a number of old forts and other War Department land no longer needed for military purposes.

Passed bill (S. 4552) granting a Federal charter to the Belleau Wood Memorial Association under which the organization will purchase land and erect suitable memorials to the American soldiers who fell there.

Passed Mississippi Flood Control bill (H. R. 14425).

The Sweet bill (H. R. 14401) modifying the War Risk Insurance Act was passed.

The administration bill enlarging the powers of the Federal coal commission and carrying an additional appropriation of \$400,000 was passed by a vote of 205 to 76.

Concurred in Senate amendments to the Filled Milk bill (H. R. 8080) and sent it to the President.

March 3, 1923

**SENATE:**

Passed bill (H. R. 12053) defining butter and providing for a standard of 80% butter fat.

Passed bill (H. R. 14435) calling for an appropriation of \$37,000,000 for the payment of the \$240 bonus to Federal employees during the next fiscal year.

Adopted (S. Res. 469) which provides for an investigation by a commission of five, during the recess, of the gold and silver industry.

Passed the Sweet bill (H. R. 14401), amending the War Risk Insurance Act.

Rejected the King resolution (S. Res. 470) proposing to grant the President authority to participate in the international court.

Passed bill (H. R. 14302) requiring all cotton sold in interstate and foreign commerce shall be quoted on the basis of American standards.

THE CONGRESSIONAL DIGEST

Congress Day by Day—*cont'd*

**HOUSE:**

Adopted the conference report on two amendments to the tariff bill (H. J. Res. 422) one of which would admit free of duty cattle sent over the boundary line for pasture.

Passed bill (S. 425) under the terms of which the Attorney General is authorized to fix the salaries of certain district attorneys and marshals.

Passed (S. J. Res. 287) creating a joint commission to consider the gold and silver industry.

Passed a Senate bill (S. 4245) for the reorganization of the customs service.

Adopted the conference report on the Frothingham bill providing the same pay and allowances to national guard and reserve officers attending summer training camps as are received by officers of the regular army.

March 4, 1923

**SENATE:**

Met at 10 A. M., adjourned sine die at 12 o'clock.  
President Harding went to the Capitol about noon and signed eleventh-hour measures that were ready.

Passed bill (H. R. 12171) granting certain government lands to the city of Skagway, Alaska, for a public park.

Passed bill (H. R. 2347) providing for the relief of certain homestead entrymen.

**HOUSE:**

Met at 10 A. M., adjourned sine die at 12 o'clock.

Adopted a resolution appropriating \$24,000 to pay the salaries of two members of the Farm Loan Board and their secretaries.

Concurred in Senate amendments to a bill conveying certain lands in South Dakota to the American Legion.

Adopted a resolution (S. Con. Res. 35) authorizing the Attorney General to print an appendix in his annual report relating to the action taken by the Department of Justice and its agents in suppressing disorders.

Passed (S. J. Res. 168) calling for an appropriation of \$150,000 to be used by the Red Cross for building a memorial to the women's work and sacrifice in the World War.

Majority Leader Mondell spoke briefly on the achievements of the Sixty-seventh Congress.

During a brief recess the Marine Band orchestra played old-fashioned songs and melodies, members on the floor and occupants of the galleries joining in the singing.

Resolutions were adopted expressing the appreciation of the House for the able manner in which Speaker Gillett had presided and voicing the hope for his speedy recovery from his illness.

Majority Leader Mondell paid tribute to Speaker Gillett, Representative Kitchen (Democrat) and Minority Leader Garrett.

A great ovation was given to "Uncle Joe" Cannon when he came into the chamber in response to an address by Representative Hicks, of New York, who, on behalf of the House, bade the veteran farewell and Godspeed.

New Public Laws—(*cont'd from page 168*)

**OKLAHOMA**

S. 4122; S. 4235. See Texas.

*Feb. 15, 1923.* To grant military target range of Lincoln Co., Okla., to Chandler, Okla., etc. H. R. 6204. Public law No. 416.

*Mar. 3, 1923.* To adjust claims of citizens to oil and gas deposits in Okla. S. 4197. Public law No. 500.

*Feb. 15, 1923.* Bridge across Columbia River, near Dalles City, Wasco Co., Ore. S. 4260. Public law No. 418.

*Feb. 15, 1923.* Bridge across Columbia River near Hood River, Ore. S. 4341. Public law No. 421.

**PENNSYLVANIA**

*Nov. 28, 1922.* Conveying peninsula of Presque Isle, Erie, Pa., to Pa. for public park purposes. H. R. 10144. Public law No. 366.

*Jan. 15, 1923.* Bridge across West Branch of Susquehanna River from Williamsport to Duboisport, Pa. H. R. 12170. Public law No. 382.

*Feb. 26, 1923.* Bridge construction across Allegheny River at Oil City, Pa. H. R. 13808. Public law No. 442.

**SOUTH CAROLINA**

S. 4387. See Georgia.

*Jan. 24, 1923.* Bridge across Great Pee Dee River, S. C. S. 4172. Public law No. 394.

*Mar. 3, 1923.* Bridge construction across Pee Dee River. S. 4536. Public law No. 488.

**SOUTH DAKOTA**

*Mar. 3, 1923.* Bridge construction across Missouri River between Charles Nix and Gergory Counties, S. D. S. 4583. Public law No. 492.

**TEXAS**

*Mar. 3, 1923.* Bridge construction across Red River between Montague Co., Texas, and Jefferson Co., Okla. S. 4122. Public law No. 482.

*Mar. 3, 1923.* Bridge construction across Red River between Clay Co., Texas, and Cotton Co., Okla. S. 4235. Public law No. 485.

*Mar. 3, 1923.* Bridge across Rio Grande River between Eagle Pass, Tex., and Piedras Negras, Mexico. S. 4592. Public law No. 505.

*Mar. 3, 1923.* Bridge construction across Sulphur River near Paces Ferry, Texas. S. 4631. Public law No. 508.

*Mar. 3, 1923.* Bridge construction across Rio Grande River at or near Del Rio, Texas. H. R. 12378. Public law No. 522.

**WASHINGTON**

*Mar. 3, 1923.* Bridge construction across the Columbia River at Marcus, Wash. S. 4638. Public law No. 510.

**WEST VIRGINIA**

*Feb. 8, 1923.* Bridge across Tug Fork of Big Sandy River in Mingo Co., W. Va. H. R. 12473. Public law No. 406.

*Mar. 3, 1923.* Bridge construction across the Ohio River at Moundsville, W. Va. H. R. 14351. Public law No. 541.

**WYOMING**

*Mar. 2, 1923.* To convey title of school-land selection to Wyoming. H. R. 11637. Public law No. 471.

*Mar. 3, 1923.* Transfer of certain lands to Natrona Co., Wyo., for park purposes. S. 4146. Public law No. 483.

Standardization

*Mar. 3, 1923.* Establishing standard grades for naval stores, and regulating traffic therein. S. 1076. Public law No. 478.

*Mar. 3, 1923.* Defining and providing a standard of butter. H. R. 12053. Public law No. 519.

*Mar. 3, 1923.* Establishing standards for cotton and promoting its production. H. R. 14302. Public law No. 539.

Taxation

*Mar. 3, 1923.* Permitting States to impose taxes on stock of national banking associations. H. R. 11939. Public law No. 518.

Trading With Enemy Act

*Dec. 27, 1922.* To amend sec. 9 of Trading with the Enemy Act as amended. S. 4100. Public law No. 372.

*Mar. 3, 1923.* Amending sec. 9 of Trading with Enemy Act as amended, relative to return of property held by Alien Custodian. H. R. 14222. Public law No. 536.

Transportation Act

*Mar. 3, 1923.* To amend sec. 206 of the Transportation Act, 1920, relative to continuance of legal actions properly commenced against railroads. H. R. 14309. Public law No. 494.

War Veterans

*Dec. 18, 1922.* Amending subdivision 5 of section 302 of War Risk Insurance Act (providing additional pay for disabled persons). H. R. 8062. Public law No. 370.

*Dec. 28, 1922.* Allowing credit for military service during war with Germany in homestead entries, and preferred right of entry, extended to citizens of U. S. who served with allied armies during the World War. H. J. Res. 180. Public resolution No. 79.

*Jan. 26, 1923.* Members of Board of Managers of National Home for Disabled Volunteer Soldiers. H. J. Res. 261. Public resolution No. 84.

*Feb. 23, 1923.* Designating where claimants who entered World War may make final proof on homestead entries and fees to be charged. S. 3103. Public law No. 435.

*Feb. 24, 1923.* Chairs for Confederate Veterans' Encampment at New Orleans, La. S. J. Res. 279. Public resolution No. 92.

*Mar. 2, 1923.* Defining payments under the War Risk Insurance Act. H. R. 10003. Public law No. 460.

*Mar. 3, 1923.* To amend and modify the War Risk Insurance Act. H. R. 14401. Public law No. 542.

## Senate Committee Reports

### Public Bills and Resolutions Reported to the Senate Exclusive of Those Finally Approved

February 12, 1923 to March 4, 1923

#### Committee on Agriculture and Forestry

**H. R. 7103 (Vestal)**—To establish standard of weights and measures for wheat mill and corn mill products, and all commercial food stuffs. Reported without amendment Feb. 27, 1923.

**H. R. 10819 (Haugen)**—Appointing scientific investigators for Dept. of Agriculture. Reported without amendment (S. Rept. 1171) Feb. 24, 1923.

**S. 4478 (Gooding)**—To promote agriculture by stabilizing the price of wheat. Reported with amendments (S. Rept. 1141) Feb. 13, 1923.

**S. J. Res. 91 and S. J. Res. 172 (Frelinghuysen)**—To adjust transactions relating to sugar imported from Argentine Republic. Reported with amendment (S. Rept. 1135) Feb. 12, 1923.

**Committee to Audit and Control the Contingent Expenses of the Senate**

**S. Con. Res. 37 (Nicholson)**—Creating a joint commission to be known as the joint commission of gold and silver inquiry. Withdrawn report hitherto submitted and reported S. J. Res. 287, Feb. 26, 1923.

**S. Res. 431 (Cameron)**—To investigate methods of administration of certain Alaska fisheries by Bureau of Fisheries. Reported without amendment Feb. 14, 1923.

**S. Con. Res. 39 (Lodge)**—Authorizing purchase of floral wreath to be placed at base of Washington Monument on Feb. 22, 1923. Reported favorably without amendment Feb. 19, 1923.

**S. J. Res. 288 (Sutherland)**—Authorizing appointment of Committee to investigate leases and contracts executed by U. S. Veterans' Bureau. Reported without amendment March 1, 1923.

**S. Res. 456 (McKellar)**—To investigate certain matters relating to street railway systems in the District of Columbia. Reported favorably without amendment March 1, 1923.

**S. Res. 459 (Curtis)**—Authorizing an annotation of the Senate Rules. Reported without amendment March 2, 1923.

**S. Res. 469 (Walsh, Mont.)**—Creating a commission to be known as the Senate Commission of Gold and Silver Inquiry. Reported March 2, 1923.

#### Committee on Commerce

**S. 4582 (Norbeck)**—Granting consent of Congress to State of S. D. for erection of bridge across Missouri River between Walworth and Carson Counties. Reported without amendment Feb. 24, 1923.

**S. 4420 (Poindexter)**—To grant additional quarantine powers and imposing additional duties upon Marine Hospital Service. Reported without amendment (S. Rept. 1187) Feb. 24, 1923.

**S. 4580 (Norbeck)**—Granting consent of Congress to construction of bridge across Missouri River between Hughes and Stanley Counties. S. D. Reported without amendment Feb. 24, 1923.

**S. 4581 (Norbeck)**—Granting consent of Congress to State of S. D. to construct bridge across Missouri River between Brule and Lyman Counties, S. D. Reported without amendment Feb. 24, 1923.

**S. 4626 (Jones)**—Authorizing construction of dam in Potomac River, near Williamsport, Md. Reported favorably and passed Feb. 19, 1923.

**S. 3874 (Sheppard)**—Granting consent of Congress for temporary toll bridge, and permanent bridge across Rio Grande River. Reported favorably and passed Feb. 24, 1923.

#### Committee on the District of Columbia

**S. J. Res. 283 (Harrison)**—Directing Public Utilities Commission of the District of Columbia to investigate rates charged for taxicabs and automobiles for hire. Reported without amendment Feb. 27, 1923.

**S. Doc. 315**. Joint sub-committee on schools and playgrounds of Committee of the Senate and the House in the District of Columbia. Report relative to reorganization of schools of the District of Columbia, Feb. 27, 1923.

**S. Res. 419 (Robinson)**—Providing for investigation of traffic conditions in Washington, D. C., and of accidents resulting therefrom, and better measures for protection of public against injury and damage. Reported with an amendment Feb. 26, 1923.

**S. 3487 (Ball)**—To provide for widening of Nichols avenue between Good Hope Road and S street S. E. Reported without amendment (S. Rept. 1172) Feb. 24, 1923.

**S. 4413 (Ball)**—To provide for tax on motor-vehicle fuels sold within the District of Columbia. Reported with amendments (S. Rept. 1173) Feb. 24, 1923.

**S. 3222 (Calder)**—For extension of Rittenhouse street in the District of Columbia. Reported without amendment Feb. 24, 1923.

**H. R. 6650 (Zihlman)**—Providing additional terminal facilities in the square east of 710 and 712. Reported with amendments (S. Rept. 1147) Feb. 15, 1923.

**S. 4414 (Ball)**—Relating to discontinuance of use as dwelling buildings in alleys. Reported without amendment (S. Rept. 1148) Feb. 15, 1923.

**H. R. 5027 (Focht)**—Relating to payment of claims for material and labor. Reported without amendment Feb. 17, 1923.

**S. 1847 (Sutherland)**—Providing for elimination of grade crossings. Reported without amendment (S. Rept. 1145) Feb. 15, 1923.

#### Committee on Education and Labor

**S. 4635 (Bursum)**—To amend act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties," approved Sept. 7, 1916, as amended. Reported with an amendment Feb. 28, 1923.

**S. 4160 (Borah)**—To secure information relative to interstate commerce in coal. Reported without amendment Feb. 20, 1923.

**S. 4472 (Frelinghuysen)**—To investigate unemployment in United States. Reported without amendment Feb. 14, 1923.

#### Committee on Finance

**S. 4622 (Hale)**—To remit duty on a carillon of bells for St. Ann's Church of Kennebunkport, Me. Reported favorably and passed Feb. 26, 1923.

**S. J. Res. 280 (McNary)**—For relief of City of Astoria, Oregon. Reported with amendment (S. Rept. 1179) Feb. 24, 1923.

**S. 1176 (Warren)**—For the relief of Canadian Car & Foundry Co. (Ltd.). Reported without amendment (S. Rept. 1188) Feb. 24, 1923.

**S. 3973 (Kellogg)**—To remit duty on a carillon of bells for the House of Hope Church, St. Paul, Minn. Reported favorably and passed Feb. 17, 1923.

#### Committee on Foreign Relations

**S. Res. 455 (McCormick)**—To appoint commission to ascertain values of agricultural and manufactured exports. Reported Feb. 27, 1923. S. J. Res. 289 authorizing President to appoint a commission to ascertain facts relative to distribution, volume and value of agricultural and manufactured exports of United States, and relative commercial problems.

**H. R. 13880 (Rogers)**—For reorganization and improvement of the Foreign Service of United States. Reported without amendment (S. Rept. 1142) Feb. 13, 1923.

#### Committee on Immigration

**S. J. Res. 82 (Dillingham)**—Providing for immigration to relieve emergency caused by acute shortage of labor in Territory of Hawaii. Reported with an amendment (S. Rept. 1252) March 1, 1923.

#### Committee on Indian Affairs

**H. R. 6568 (Larson)**—For relief of Red Lake Band of Chippewa Indians of Minnesota. Reported without amendment (S. Rept. 1251) March 1, 1923.

**H. R. 13835 (Snyder)**—Authorizing Secretary of the Interior to appraise tribal property of Indians. Reported with amendments (S. Rept. 1241) Feb. 28, 1923.

#### Committee on Interstate Commerce

**S. 4528 (Sheppard)**—For relief of Kansas City, Mexico & Orient Railroad of Texas, Oklahoma and Kansas. Reported with amendment (S. Rept. 1170) Feb. 24, 1923.

#### Committee on Irrigation and Reclamation

**S. 4629 (Kendrick)**—To permit relinquishment of farm units heretofore entered on a Federal reclamation project, that may be found uneffective of reclamation, etc. Reported without amendment Feb. 27, 1923.

#### Committee on the Judiciary

**S. J. Res. 40 (Wadsworth)**—Proposing an amendment to Article V of the Constitution (providing that when a proposed amendment is submitted to the State it should be submitted to the State legislators, one house of which must be elected after the amendment is submitted). Reported favorably with amendment (S. Rept. 1235) Feb. 27, 1923.

## THE CONGRESSIONAL DIGEST

### Senate Committee Reports—cont'd

S. 4437 (Nelson)—To amend section 284 of Judicial Code of United States. Reported without amendment (S. Rept. 1189) Feb. 24, 1923.

S. 4438 (Nelson)—To amend section 1025 of Revised Statutes of United States. Reported with amendments (S. Rept. 1190) Feb. 24, 1923.

S. J. Res. 200 (Johnson)—224 (Townsend)—232 (McCormick)—256 (Lodge) and 262 (Walsh, Mont.)—Proposing an amendment to the Constitution of the United States, conferring or delegating power to the Congress to legislate in respect of child labor. Reported S. J. Res. 285 (S. Rept. 1185) Feb. 24, 1923.

#### Committee on Library

S. J. Res. 274 (Calder)—To celebrate observance of one hundredth anniversary of enunciation of Monroe Doctrine. Reported with amendment Feb. 12, 1923.

S. 4463 (Spencer)—Authorizing erection of memorial to Henry B. Macfarland. Reported Feb. 12, 1923.

S. 4350 (Sterling)—Authorizing Secretary of Interior to erect monument at Fort Pierre, S. D., to commemorate explorations and discoveries of Verendrye Brothers. Reported Feb. 12, 1923.

S. J. Res. 277 (Pepper)—Granting permission for erection of monument to symbolize national game of baseball. Reported Feb. 12, 1923.

S. J. Res. 168 (Curtis)—Relative to monument to commemorate the services of women in the World War. Reported with amendments (S. Rept. 1158) Feb. 19, 1923.

#### Committee on Manufactures

S. Res. 295 (LaFollette)—Providing for investigation of high cost of gasoline and other petroleum products. Reported without amendments (S. Rept. 1263) March 4, 1923.

#### Committee on Military Affairs

S. 4500 (Reed, Pa.)—Authorizing appointment of William Schuyler Woodruff as Infantry officer, U. S. Army. Reported without amendment (S. Rept. 1174) Feb. 24, 1923.

## House Committee Reports

### Public Bills and Resolutions Reported to the House Exclusive of Those Finally Approved

February 12, 1923 to March 4, 1923

#### Committee on Accounts

H. Res. 497 (Kelly, Pa.)—Providing for purchase and installation of an electro-mechanical voting system in House of Representatives. Reported without amendment (H. Rept. 1739) Feb. 28, 1923.

#### Committee on Agriculture

H. R. 12966 (Sinclair)—Providing for the purchase and sale of farm products. Reported with amendments (H. Rept. 1667) Feb. 20, 1923.

H. J. Res. 456 (Haugen)—Authorizing Chairman Committee on Agriculture to appoint a sub-committee to consist of not more than eight members of Committee on Agriculture to join with a like committee of five to be appointed by the Senate to investigate problems of reforestation, and other purposes. Reported without amendment (H. Rept. 1670) Feb. 20, 1923.

H. R. 7735 (Christopherson)—Providing for the creation of American stabilizing commission, and to stabilize the prices for certain farm products. Reported with amendments (H. Rept. 1672) Feb. 20, 1923.

H. R. 13352 (Little)—Authorizing Secy. of Agriculture to purchase, store and sell wheat, and to secure and maintain to the producer a reasonable price for bread, and to stabilize wheat values. Reported with amendments (H. Rept. 1671) Feb. 20, 1923.

H. J. Res. 457 (Haugen)—Authorizing appointment of a joint committee of Senate and House to represent Congress at the World's Dairy Congress. Reported without amendment (H. Rept. 1656) Feb. 19, 1923.

#### Committee on Census

S. 3757 (Harris)—Authorizing Dept. of Commerce to collect and publish additional cotton statistics and information. Reported with amendments (H. Rept. 1644) Feb. 17, 1923.

#### Committee on the District of Columbia

S. 2368 (Ball)—To amend section 196 of the Code of Law for the District of Columbia. Reported without amendment (H. Rept. 1738) Feb. 28, 1923.

H. R. 14372 (Hardy, Col.)—Providing for charges against general fund standing to credit of the D. C. in Federal Treasury. Reported without amendment (H. R. 1696) Feb. 23, 1923.

#### Committee on Naval Affairs

S. 4624 (Page)—To make reimbursement to Naval Academy dairy for losses sustained by fire. Reported without amendment (S. Rept. 1230) Feb. 24, 1923.

S. 4625 (Page)—Authorizing Secretary of the Navy to permit sale of exterior articles of the uniform to honorably discharged enlisted men. Reported without amendment (S. Rept. 1231) Feb. 27, 1923.

#### Committee on Pensions

H. R. 12019 (Knutson)—Granting pensions and increase of pension to certain soldiers and sailors of Regular Army and Navy, and of wars other than the Civil War, and to widows of such soldiers and sailors. Reported with amendment (S. Rept. 1217) Feb. 26, 1923.

H. R. 13980 (Fuller)—Granting pensions and increase of pension to certain soldiers and sailors of Civil War and certain widows and dependent children of soldiers and sailors of said war. Reported with amendments (S. Rept. 1218) Feb. 26, 1923.

#### Committee on Post Offices and Post Roads

S. 3084 (Smoot)—Authorizing payment of amounts expended in construction of hangars and maintenance of flying fields for use of Post Office Department. Reported without amendment (S. Rept. 1143) Feb. 14, 1923.

#### Committee on Public Lands

S. 3855 (Bursum)—To ascertain and settle land claims of persons not Indians within the Pueblo Indian Land. Reported with amendment (S. Rept. 1175) Feb. 24, 1923.

S. J. Res. 290 (Fernald)—Authorizing President to lease certain land in the District of Columbia and pay rental from revenues derived from operation of government hotels for government workers. Reported favorably, amended and passed the Senate Feb. 28, 1923.

S. J. Res. 278 (Harrel)—Providing for continuance of registrar and receiver of land office at Guthrie, Okla. Reported with amendment Feb. 24, 1923.

#### Committee on Elections

H. R. 14224 (Dallinger)—To determine proceedings in contested elections of members of the House. Reported without amendment (H. Rept. 1595) Feb. 13, 1923.

Committee on Election of President, Vice-President and Members of Congress

S. J. Res. 253 (Norris)—Fixing date of commencement of terms of President, Vice-President and Members of Congress. Reported with amendments (H. Rept. 1690) Feb. 22, 1923.

H. J. Res. 252 (Appleby)—Filling vacancies in the House. Reported without amendment (H. Rept. 1615) Feb. 15, 1923.

H. R. 14186 (Andrews, Neb.)—Fixing date of commencement of regular sessions of Congress. Reported without amendment (H. Rept. 1614) Feb. 15, 1923.

H. J. Res. 220 (Kline, Pa.)—Regarding a four-year term for members of Congress. Reported without amendment (H. Rept. 1613) Feb. 15, 1923.

Committee on Expenditures in Post Office Department

H. Res. 547 (Mondell)—Regarding election of Mrs. Mae Ella Hunt Nolan. Agreed to Feb. 20, 1923.

#### Committee on Flood Control

H. R. 14425 (Rodenberg)—For examination of certain streams with view to controlling floods. Reported without amendments (H. Rept. 1708) Feb. 24, 1923.

## THE CONGRESSIONAL DIGEST

### House Committee Reports—*cont'd*

#### Committee on Foreign Affairs

**H. J. Res. 459** (Steenerson)—Authorizing Secy. of State to negotiate with Dominion of Canada with reference to straightening and deepening channel of Roseau River, north of international boundary line. Reported without amendment (H. Rept. 1749) March 1, 1923.

**H. J. Res. 452** (Herrick)—Authorizing and directing President to immediately take steps to enforce collection of \$3,500,000,000 owed by France to United States. Reported adversely (H. Rept. 1716) Feb. 26, 1923.

**S. J. Res. 263** (Townsend)—Authorizing Secy. of Agriculture to accept membership for United States in the Permanent Association of International Road Congress. Reported without amendment (H. Rept. 1651) Feb. 19, 1923.

#### Committee on Immigration and Naturalization

**H. J. Res. 171** (Kalanianaole)—Providing for immigration to meet emergency caused by shortage of labor in Hawaii. Reported without amendment (H. Rept. 1717) Feb. 26, 1923.

#### Committee on Interstate and Foreign Commerce

**H. J. Res. 296** (Winslow)—Authorizing and directing the officers of General Accounting office to allow credit to disbursing clerk of U. S. Veterans' Bureau in certain cases. Reported with amendments (H. Rept. 1754) March 2, 1923.

**H. R. 14368** (Newton, Minn.)—Authorizing Co. of Hennepin, Minn., to construct bridge across Minnesota River. Reported with amendments (H. Rept. 1718) Feb. 26, 1923.

**H. R. 14382** (Williamson)—Granting consent of Congress to construct bridge across Missouri River between Hughes and Stanley Counties, S. D. Reported without amendment (H. Rept. 1720) Feb. 26, 1923.

**H. R. 14383** (Williamson)—Granting consent of Congress to construct bridge across Missouri River between Brule and Lyman Counties, S. D. Reported without amendment (H. Rept. 1721) Feb. 26, 1923.

**H. R. 14385** (Williamson)—Granting consent of Congress to construct bridge across Missouri River between Walworth and Casson Counties, S. D. Reported with amendment (H. Rept. 1723) Feb. 26, 1923.

**H. R. 14384** (Williamson)—Granting consent of Congress to construct bridge across Missouri River between Potter and Dewey Counties, S. D. Reported with amendment (H. Rept. 1722) Feb. 26, 1923.

#### Committee on Indian Affairs

**S. 3855** (Bursum)—To determine title to lands of Pueblo Indians. Reported without amendment (H. Rept. 1748) March 1, 1923.

**H. R. 13452** (Snyder)—To determine title to lands and waters in New Mexico belonging to the Pueblo Indians; to preserve their ancient customs, etc. Reported with amendment (H. Rept. 1730) Feb. 27, 1923.

**H. R. 2423** (Hadley)—Authorizing Indians residing in State of Washington to submit to Court of Claims certain claims growing out of treaties. Reported without amendment (H. Rept. 1596) Feb. 13, 1923.

**S. 4061** (Snyder)—For settlement of claims with Blackfeet Indians. Reported without amendment (H. Rept. 1596) Feb. 13, 1923.

#### Committee on Industrial Arts and Expositions

**S. J. Res. 274** (Calder)—To provide for participation in observance of one hundredth anniversary of enunciation of Monroe Doctrine, and of ninety-second anniversary of death of James Monroe. Reported with amendments (H. Rept. 1728) Feb. 27, 1923.

#### Committee on Irrigation and Arid Lands

**H. R. 13550** (Hudspeth)—Authorizing the Secy. of Interior to carry out provisions of convention between Mexico and United States. Reported with amendments (H. Rept. 1601) Feb. 14, 1923.

#### Committee on Judiciary

**S. 4324** (Harrison)—Authorizing association of producers of agricultural products. Reported with an amendment (H. Rept. 1702) Feb. 24, 1923.

**H. J. Res. 458** (Foster)—Proposing an amendment to constitution regarding child labor. Reported without amendment (H. Rept. 1694) Feb. 23, 1923.

**H. J. Res. 455** (Volstead)—To amend the China Trade Act. Reported with amendment (H. Rept. 1668) Feb. 20, 1923.

**H. R. 14084** (Volstead)—To amend Judicial Code of the United States. Reported without amendment (H. Rept. 1687) Feb. 22, 1923.

**H. R. 14085** (Volstead)—To amend Judicial Code of United States. Reported without amendment (H. Rept. 1688) Feb. 22, 1923.

**H. R. 14272** (Haugen)—To amend section 81 "An act to codify, revise and amend laws relating to the judiciary." Reported without amendment (H. Rept. 1692) Feb. 23, 1923.

**H. R. 6376** (Swank)—To amend bill establishing Eastern Judicial District of Oklahoma. Reported without amendment (H. Rept. 1612) Feb. 15, 1923.

**H. R. 11490** (Kahn)—To enlarge powers of Dept. of Justice in relation to repression of prostitution for protection of armed forces. Reported with amendment (H. Rept. 1585) Feb. 12, 1923.

#### Committee on Labor

**H. R. 14185** (Zihlman)—Investigation of needs of Nation for public work to be carried on by Federal, State and municipal agencies in period of business depression and unemployment. Reported without amendment (H. Rept. 1684) Feb. 22, 1923.

#### Committee on Library

**H. R. 14145** (Campbell)—For erection of monument to Henry B. Macfarland in the District of Columbia. Reported without amendment (H. Rept. 1735) Feb. 28, 1923.

**H. J. Res. 417** (Fess)—Relative to a monument to commemorate services and sacrifices of the women of the United States in World War. Reported without amendment (H. Rept. 1736) Feb. 28, 1923.

**S. J. Res. 242** (Brandegee)—Authorizing erection on public grounds in the District of Columbia of a statue by Jose Clara, personifying *Serenity*. Reported without amendment (H. Rept. 1703) Feb. 24, 1923.

#### Committee on Mines and Mining

**H. J. Res. 441** (Colton)—Providing for a joint committee of gold and silver inquiry. Reported with amendments (H. Rept. 1645) Feb. 17, 1923.

#### Committee on Military Affairs

**H. R. 14338** (Fitzgerald)—Authorizing sale of certain government property and authorizing appropriation for permanent buildings for engineering department of Air Service. Reported with amendments (H. Rept. 1640) Feb. 17, 1923.

**S. 1018** (Wadsworth)—To provide for damages caused by American forces while abroad. Reported with amendment (H. Rept. 1646) Feb. 17, 1923.

**H. R. 13239** (Beedy)—Authorizing the Secy. of War to transfer to Town of Kittery, Me., for a public park, the government reservation known as Fort McClary. Reported with amendment (H. Rept. 1609) Feb. 15, 1923.

#### Committee on Merchant Marine and Fisheries

**H. Res. 548** (White, Me.)—Requesting Federal Trade Commission to investigate and report facts relating to ownership of radio patents. Reported without amendment (H. Rept. 1686) Feb. 22, 1923.

#### Committee on Patents

**H. R. 14111** (Lampert)—To amend patent and trade-mark laws. Reported with amendment (H. Rept. 1675) Feb. 21, 1923.

#### Committee on Post Offices and Post Roads

**H. R. 11723** (Jeffers)—Authorizing and providing for payment of amounts expended in construction of hangars and maintenance of flying fields for use of air mail service of Post Office Dept. Reported adversely (H. Rept. 1714) Feb. 26, 1923.

**H. R. 8329** (Gorman)—To reduce night work in post offices. Reported with amendments (H. Rept. 1602) Feb. 14, 1923.

#### Committee on Printing

**H. R. 13981** (Dempsey)—To amend section 6 of an Act entitled "An Act making appropriation for construction, repair and preservation of certain public works on rivers and harbors," approved June 5, 1920. Reported without amendment (H. Rept. 1734) Feb. 28, 1923.

**H. R. 14202** (Kiess)—Authorizing public printer to fix wages of employees in Government printing office. Reported without amendment (H. Rept. 1583) Feb. 12, 1923.

**H. Con. Res. 83** (Almon) Providing for printing additional copies of soil survey of Lauderdale County, Ala. Reported without amendment (H. Rept. 1583) Feb. 12, 1923.

**S. Con. Res. 35** (Nelson)—Authorizing Attorney General to print all correspondence relative to disorders in United States during 1922. Reported without amendment (H. Rept. 1673) Feb. 2, 1923.

#### Committee on Public Buildings and Grounds

**H. J. Res. 462** (Langley)—Authorizing President to lease certain lands in District of Columbia and pay rental from revenues derived from operation of Government Hotels for Government workers. Reported with amendments (H. Rept. 1744) March 1, 1923.

**H. J. Res. 347** (Focht)—Authorizing transfer to Committee of the District of Columbia a certain part of Anacostia Park for tree nursery. Reported without amendment (H. Rept. 1619) Feb. 15, 1923.

THE CONGRESSIONAL DIGEST

House Committee Reports—*cont'd*

H. R. 13596 (Fordney)—Providing for erection of post office building in Belding, Mich. Reported without amendment (H. Rept. 1622) Feb. 15, 1923.

H. R. 13961 (Brennan)—Authorizing sale of U. S. Marine Hospital Reservation at Detroit, Mich., and acquire suitable site in same locality for modern hospital. Reported without amendment (H. Rept. 1620) Feb. 15, 1923.

H. R. 14039 (Rucker)—Authorizing acquisition of site for erection of public building at Keytesville, Mo. Reported without amendment (H. Rept. 1623) Feb. 15, 1923.

Committee on Public Lands

H. R. 12953 (Slemp)—To establish national park in State of Virginia. Reported without amendment (H. Rept. 1729) Feb. 27, 1923.

H. R. 10861 (Colton)—Adding certain lands to Uinta National Forest. Reported without amendment (H. Rept. 1633) Feb. 17, 1923.

Committee on Reform in Civil Service

S. 4167 (Sterling)—To extend benefits of Civil Service to certain employees in Panama Canal Zone. Reported with amendment (H. Rept. 1689) Feb. 22, 1923.

Committee on Rivers and Harbors

H. R. 13246 (Dupre)—For examination and survey of intra-coastal canal from New Orleans, La., to Corpus Christi, Tex. Reported with amendments (H. Rept. 1661) Feb. 20, 1923. (Passed as S. 4216, Public law No. 484.)

S. 3969 (Frelinghuysen)—To improve navigability of waters of United States by preventing oil pollution. Reported with amendment (H. Rept. 1693) Feb. 23, 1923.

Committee on Ways and Means

H. J. Res. 449 (Hawley)—For relief of City of Astoria, Oreg. Reported without amendment (H. Rept. 1679) Feb. 21, 1923.

## Important Public Health Legislation Passed by 67th Congress

As Recorded by National Health Council's Bi-Weekly Summary of National Health Legislation.

- No. 47. *Veterans' Bureau* created. August 9, 1921. (H. R. 6611.)
- No. 51. *Packers' Act*. Regulating interstate and foreign commerce in livestock and dairy products. August 15, 1921. (H. R. 6320.)
- No. 74. *Cincinnati Health Exposition*, cancellation stamp for. October 5, 1921. (H. R. 8365.)
- No. 78. *Veterans in Hospitals*, tobacco for. October 14, 1921. (S. 1718.)
- No. 96. *Anti-Beer* act, supplemental to national prohibition law. November 23, 1921. (H. R. 7294.)
- No. 97. *Maternity and Infancy*, promotion of welfare of (Sheppard-Towner law). November 23, 1921. (S. 1039.)
- No. 110. *Searcy hospital* for colored insane in Alabama, land for. December 15, 1921. (H. R. 6961.)
- No. 125. *Water supply* for Fort Monroe. January 11, 1922. (H. R. 7204.)
- No. 129. *Medical and surgical supplies* transferred by Army to Russian relief. January 20, 1922. (S. 2708.)
- No. 194, No. 216 and No. 273. *Hospitals* for veterans. April 20, 1922; May 11, 1922; July 1, 1922. (H. R. 10864, H. R. 11547, H. R. 11588, resp.)
- No. 227. *Narcotics* prohibited from importation or exportation except for medicinal purposes. May 26, 1922. (H. R. 2193.)
- No. 235. *Pay* of Army, Navy, Public Health Service, etc. June 10, 1922. (H. R. 10972.)
- No. 318. *Tariff* act. September 21, 1922. (H. R. 7456.)
- No. 330. *Leprosy* station in Hawaii. September 21, 1922. (H. R. 11589.)
- No. 347. *Coal* commission. September 22, 1922. (H. R. 12377.)
- No. 352. *Fees*, surgeons of Pension Bureau. September 22, 1922. (S. 3540.)
- No. 430. *Federal Leprosarium*, additional buildings for. February 20, 1923. (S. 3721.)
- No. 460. *War Risk Insurance*, amendment concerning. March 2, 1923. (H. R. 10003.)
- No. 463. *Hospital* in Arkansas, transfer. March 2, 1923. (H. R. 12751.)
- No. 472. *Sewage* drain at Miami, Florida. March 2, 1923. (H. R. 13272.)
- No. 513. *Filled Milk*, prohibition of in interstate commerce. March 3, 1923. (H. R. 8086.)
- No. 516. *Reclassification* of Government positions and salaries. March 3, 1923. (H. R. 8928.)
- No. 542. *War Risk Insurance*, amendment concerning. March 3, 1923. (H. R. 14401.)
- No. 519. *Butter*, standard for. March 3, 1923. (H. R. 12053.)
- No. 536. *Compensation* for injured government employees. March 3, 1923. (H. R. 14222.)
- No. 63. *Veterans' Bureau*, disposal of articles produced by patients of. June 26, 1922. (H. J. Res. 313.)
- No. 65. *Pollution of Navigable Waters* convention. July 1, 1922. (H. J. Res. 297.)
- No. 75. *Water supply* of Kansas City, Missouri and Kansas. September 22, 1922. (S. J. Res. 216.)
- No. 96. *Narcotic control*, international cooperation in. March 2, 1923. (H. J. Res. 453.)

Among the more important health bills which did not pass may be mentioned: the resolutions to amend the Constitution relative to restriction of child labor; transfer of the activities of the Interdepartmental Social Hygiene Board to the Department of Justice; the Fess-Capper bill for Federal aid to physical education; commissions for sanitary engineers in the U. S. Public Health Service; reorganization of the U. S. Public Health Service; the uniform marriage and divorce bill; sale of Marine Hospital at Detroit; a number of bills relating to tuberculosis; a couple of anti-vivisection measures and bills to regulate milk, venereal diseases, optometry, and child welfare in the District of Columbia.

THE CONGRESSIONAL DIGEST

## Retiring Members of 67th Congress and New Members Succeeding Them

Republicans in roman type, Democrats in *italic* type, Socialist<sup>1</sup>, Farmer-Labor<sup>2</sup>, Independent<sup>3</sup>.

### Senate

| STATE         | RETIRING MEMBERS           | NEW MEMBERS                   |
|---------------|----------------------------|-------------------------------|
| Delaware      | T. Coleman du Pont         | Thomas F. Bayard              |
| Georgia       | <i>Mrs. W. H. Felton</i>   | Walter F. George              |
| Indiana       | Harry S. New               | Samuel M. Ralston             |
| Iowa          | Charles A. Rawson          | Smith W. Brookhart            |
| Maryland      | Joseph I. France           | William C. Bruce              |
| Michigan      | T. H. Newberry             | James Couzens                 |
| Minnesota     | Charles Townsend           | Woodbridge N. Ferris          |
| Mississippi   | Frank B. Kellogg           | Henrik Shipstead <sup>3</sup> |
| Montana       | <i>John Sharp Williams</i> | Hubert Stephens               |
| Nebraska      | Henry L. Myers             | Burton K. Wheeler             |
| New Jersey    | Joseph F. Frelinghuysen    | Ralph P. Howell               |
| New York      | William M. Calder          | Royal S. Copeland             |
| North Dakota  | Porter J. McCumber         | Lynn J. Frazier               |
| Ohio          | Atlee Pomerene             | Simeon D. Fess                |
| Texas         | Charles A. Culberson       | Earle B. Mayfield             |
| Vermont       | Carroll S. Page            | Frank I. Greene               |
| Washington    | Miles Poindexter           | C. C. Dill                    |
| West Virginia | Howard Sutherland          | M. M. Neely                   |

\*Appointed by the Governor to fill the unexpired term of Hon. Thomas E. Watson, pending the election of his successor.

### House of Representatives

| Alabama              | <i>Lilias B. Rainey</i>    | Miles C. Allgood         |
|----------------------|----------------------------|--------------------------|
| Arkansas             | <i>Hence M. Jacoway</i>    | Heartsill Kagon          |
|                      | <i>Chester W. Taylor</i>   | L. E. Sawyer             |
| California           | John I. Nolan (deceased)   | Ella Mae Nolan           |
| Connecticut          | John A. Elston (deceased)  | James H. MacLafferty     |
| Delaware             | James P. Glynn             | Patrick B. O'Sullivan    |
| District of Columbia | Caleb R. Layton            | William H. Boyce         |
| Georgia              | <i>James W. Overstreet</i> | R. Lee Moore             |
| Illinois             | John J. Gorman             | James R. Buckley         |
|                      | Ira C. Copley              | Frank R. Reid            |
|                      | Clifford Ireland           | William E. Hull          |
|                      | Joseph G. Cannon           | William P. Holaday       |
|                      | Guy L. Shaw                | Henry T. Rainey          |
|                      | Loren E. Wheeler           | J. Earl Major            |
|                      | William A. Rodenberg       | Edward E. Miller         |
|                      | Edwin B. Brooks            | William W. Arnold        |
|                      | Winnifred Mason Huck       | Henry R. Rathbone        |
| Indiana              | Oscar R. Luhring           | William E. Wilson        |
|                      | Oscar E. Bland             | Arthur H. Greenwood      |
|                      | James W. Dunbar            | Frank Gardner            |
|                      | John S. Benham             | Harry C. Canfield        |
|                      | Milton Kraus               | Samuel E. Cook           |
| Iowa                 | Burton E. Sweet            | T. J. B. Robinson        |
| Kansas               | Philip P. Campbell         | W. H. Sprout             |
|                      | Richard E. Bird            | William A. Ayres         |
| Kentucky             | Charles F. Ogden           | Maurice H. Thacher       |
| Maryland             | Albert A. Blakeney         | Millard E. Tydings       |
| Massachusetts        | Robert S. Maloney          | William P. Connelly, Jr. |
| Michigan             | George P. Codd             | Robert H. Clancy         |
|                      | Patrick H. Kelley          | Grant M. Hudson          |
|                      | Joseph W. Fordney          | Bird J. Vincent          |
|                      | Vincent M. Brennan         | Clarence J. McLeod       |
| Minnesota            | Andrew J. Volstead         | O. J. Kvale <sup>3</sup> |
|                      | Halvor Steenerson          | Knud Wefald <sup>3</sup> |
| Mississippi          | <i>Thomas R. Sisson</i>    | <i>Jeff Busby</i>        |
|                      | Paul B. Johnson            | T. Webber Wilson         |
| Missouri             | Frank C. Millspaugh        | M. A. Romjue             |
|                      | William W. Rucker          | Ralph F. Lozier          |
|                      | Henry F. Lawrence          | Jacob L. Milligan        |
|                      | Edgar C. Ellis             | Henry L. Jost            |
|                      | William O. Atkeson         | C. C. Dickinson          |
|                      | Roscoe C. Patterson        | Samuel C. Major          |
|                      | Theodore W. Hukriede       | Clarence Cannon          |
|                      | Marion E. Rhodes           | J. Scott Wolf            |
|                      | Edward D. Hays             | James F. Fullbright      |
|                      | Isaac V. McPherson         | Joe J. Manlove           |
|                      | Samuel A. Shelton          | Thomas L. Rubey          |
| Montana              | Washington J. McCormick    | <i>Johs M. Evans</i>     |
|                      | Carl W. Riddick            | Scott Leavitt            |
| Nebraska             | R. H. Thorpe               | John H. Morehead         |
|                      | Albert W. Jeffries         | W. G. Sears              |
|                      | Robert E. Evans            | Edgar Howard             |
|                      | William E. Andrews         | A. C. Shallenberger      |
|                      | A. R. Humphrey             | Robert G. Simmons        |
| North Dakota         |                            |                          |
| Ohio                 |                            |                          |
| Pennsylvania         |                            |                          |
| Rhode Island         |                            |                          |
| South Carolina       |                            |                          |
| Tennessee            |                            |                          |
| Texas                |                            |                          |
| Vermont              |                            |                          |
| Virginia             |                            |                          |
| West Virginia        |                            |                          |
| Wisconsin            |                            |                          |
| Wyoming              |                            |                          |

<sup>†</sup> The members from the new districts in Pennsylvania replaced the following four Congressmen-at-large: Thos. S. Crago, Wm. J. Burke, Anderson H. Waters, Jos. McLaughlin.

## Notes on the Constitution

*By HON. WM. TYLER PAGE*

*A series of twelve articles setting forth the fundamental principles of the  
United States Government as prescribed in the Constitution*

### Fourth Article—What Congress May Not Do Under the Constitution—Part 2

**A**RTICLE I, Section IX of the Constitution provides further:

*6. No preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.*

The courts have held that this provision operates only as a limitation of the powers of Congress, and in no respect affects the States in the regulation of their domestic affairs.

The Supreme Court of the United States declared this clause to be a limitation upon the power of Congress to regulate commerce for the purpose of producing entire commercial equality within the United States, and also a prohibition upon the States to destroy such equality by any legislation prescribing a condition by which vessels bound for one State shall enter the ports of another State.

The prohibition of such a preference does not extend to Acts of Congress which may directly benefit the ports of one State and only incidentally injuriously affect those of another, such as the improvement of rivers and harbors, the erection of lighthouses, and other facilities of commerce.

Diversion of trade by bridge obstruction is not giving a preference to the ports of one State over those of another within the true meaning of this clause.

Preference is given by Congress in every instance where it makes a port in one State a port of entry; and yet the power of Congress to give such a preference has never been questioned. What is forbidden is, not discrimination between individual ports within the same or different States, but discrimination between States. Vessels bound to a particular State are not obliged to enter or pay duties in any other; nor, when bound from any one of the States are not obliged to clear in another. State pilotage regulations are not duties within the meaning of the Constitution and the power to Congress is not denied to permit the several States to adopt them.

*7. No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.*

This is more of an inhibition against either House of Congress and upon the Executive Departments than against Congress itself.

The exclusive power granted to Congress "to lay and collect taxes, duties, imposts and excises" and "to pay the debts" of the United States, resides in Congress to "appropriate" the revenue thus derived. Congress in common parlance "holds the purse-strings." In no other way than by authority of law of Congress can money be paid out of the Treasury. No officer of the Government, not even the President, is empowered to pay debts of the United States generally, when presented to them; and not even the judgment of a court against the United States can be satisfied without an appropriation of Congress. And moneys paid into the Treasury by reason of collections from any source, including money received by treaty for the satisfaction of claims cannot be paid to individual or other claimants except upon authority of Congress "in consequence of appropriations made by law." Even the expenses of the Legis-

lative establishment, including the contingent funds of the Senate and House of Representatives, must be provided by laws appropriating the necessary money from the Treasury. Neither House of Congress, alone, may authorize appropriations. Each House, under certain restrictions of law, may spend its own contingent fund, the money having first been appropriated, but beyond this it may not go without the concurrence of the other House and with the approval of the President.

Appropriation bills, twelve in number, including deficiencies, originate in the House of Representatives, to which is sent the estimates prepared by the Budget Bureau. The right of the House exclusively to originate appropriation bills has been questioned by the Senate as not being included in the Constitutional grant of exclusive power to originate revenue bills, and while differences of opinion on this subject have been expressed pro and con by able lawyers and parliamentarians the fact and the practice remains of originating appropriation bills in the House, leaving to the Senate rather broad power to amend.

The Annual Report of the Secretary of the Treasury and that of the Treasurer of the United States on the "State of the Finances" comprehensively review the receipts and expenditures for each fiscal year, and in addition to these reports the fiscal conditions of the Government are portrayed in the reports of other departments. Besides, the hearings before the Committee on Appropriations in the consideration of the annual appropriation bills, comprised in many large volumes, bring out additional facts and information concerning receipts and expenditures. The appropriations made by Congress for the current and the next fiscal years are interesting as showing this broad scope, as follows:

*General classification of appropriations for 1923 and 1924 arranged to show the principal large objects of appropriation.*

|  | 1923               | 1924             |
|--|--------------------|------------------|
| Interest on the public debt.....   | \$1,100,000,000.00 | \$950,000,000.00 |
| Sinking fund and other funds for reduction in the principal of the public debt.....  | 330,088,800.00     | 345,097,000.00   |
| Veterans' Bureau, compensation, insurance, hospitalization, and vocational training. Pensions, all wars prior to the World War.....          | 431,298,843.45     | 428,160,773.00   |
| Post Office Department.....  | 268,000,000.00     | 253,000,000.00   |
| Military activities of the War Department (Army).....  | 573,079,833.21     | 584,872,991.50   |
| Navy.....  | 1,263,338,388.52   | 1,252,150,231.00 |
| Shipping Board.....  | 1,325,297,184.16   | 1,296,586,578.00 |
| Increased compensation (\$240 per annum).....  | 100,459,000.00     | 50,411,500.00    |
| Roads.....   | 38,735,173.00      | 35,811,893.00    |
| All other purposes, including the Congress, the Judiciary, the executive departments, independent bureaus, and the District of Columbia..... | 35,000,000.00      | 32,300,000.00    |
| Total.....   | 475,282,445.38     | 478,386,196.62   |
|  | 3,940,579,667.72   | 3,706,777,163.12 |

<sup>1</sup> Include amounts under permanent and indefinite appropriations.

(Continued on page 191)

## Notes on Foreign Governments

*By ANNIE M. HANNAY, M. A., University of Glasgow*

These notes will be continued from month to month and when the Foreign Parliaments are in session a review of current legislation in the largest countries will be given.

Additional detailed information in regard to foreign governments may be procured through the CONGRESSIONAL DIGEST Information Service for a nominal charge.

Questions and answers will be published from time to time in this Department. Address your inquiries to Foreign Department, CONGRESSIONAL DIGEST, Munsey Bldg., Washington, D. C.—*Editor's Note.*

### Belgium

*Notes on the form of Government of Belgium were printed in the November issue*

**From Official Report of Parliamentary Debates**

#### **CHAMBER OF REPRESENTATIVES**

*October 24, 1922*—M. Theunis, Prime Minister and Minister of Finance, said that the economic situation in Belgium could not be called good, but that it was no worse than that in other countries. The ordinary budget for 1923 had been reduced. Receipts were greater, which indicated also a better economic situation. The budget showed a deficit of 5 million francs. But part of the extraordinary expenditures, connected with reparations, etc., had this year been included among the ordinary expenditures. If the ordinary budget had been drawn up in the same way as that of 1922 it would have shown a surplus of 157 million francs; had it been drawn up in the same way as that of 1921, it would have shown a surplus of 213 millions. That showed a change for the better, although much still remained to be done.

With regard to customs, excise and registration, the budget provided for the first nine months of 1922 a sum of 975 million francs. The actual receipts for those months amounted to 980 millions, a surplus of 185 millions. The increase in receipts for the first nine months of 1922 over those of the same period in 1921 amounted to 452 million francs. Expenses were, therefore, decreasing, and receipts increasing. While much yet remained to be done, M. Theunis expressed the conviction that Belgium would finally overcome her monetary difficulties.

*January 9, 1923*—Speech by M. Theunis on reparations and the Ruhr.

M. Theunis reminded the Chamber of Representatives that the result of the interallied conference at Cannes in January, 1922, followed by the decision of the Reparation Commission in March had been the granting of a moratorium for the year 1922. This moratorium entailed the payment of 720 million gold marks in money, in monthly installments, most of them to Belgium, in virtue of her priority right, and deliveries in kind to the amount of 1450 million gold marks. In July Germany asked for a modification of the terms, letting her off all payments in money and part of the deliveries in kind. The interallied conference of London of August, 1922, tried to settle the question, but failed, and the matter was referred to the reparation commission. The latter decided to refuse the moratorium, but at the same time it authorized the German government to make an agreement with Belgium that the latter should accept notes at six months with suitable security. The guarantee finally accepted by Belgium was the signature of the Reichsbank guaranteeing the debt of the German government.

In order to prepare the way for a conference to be held at Brussels to discuss the questions of reparations and of the interallied debts, a preliminary meeting took place in London in December. The British government expressed its intention of not being bound by the terms of the Balfour note in regard to the cancellation or the reduction of the inter-

allied debts. But on the question of granting a new moratorium to Germany there was absolute disagreement between the English and the French views. The French government expressed its firm determination not to grant any new moratorium to Germany without at the same time obtaining guarantees. The occupation of the Ruhr was regarded as necessary. The British government refused absolutely to consider the possibility of taking guarantees whether considered as sanctions or as means of exerting pressure on the German government.

The conference adjourned for three weeks and met again in Paris on January 2, 1923. Three proposals were submitted. The British plan included a reduction of the German debt and a system of annual payment of that debt, and of payments of the interallied European debts.

The Italian plan, which was practically that presented by Premier Mussolini in London in December, proposed to reduce the German debt to 50,000,000,000 gold marks by the cancellation of the C bonds, and to cancel the interallied debts. Italy proposed also to grant a moratorium to Germany, but not without guarantees, though not military ones.

The French government was willing to remit to her creditors C bonds for a nominal capital equal to the nominal amount of her debt. She was also willing to cancel the C bonds she would receive from her allies in payment of her own debts, if that method of payment were adopted by the rest of the European powers. The French government also demanded guarantees of an economic nature, and expressed herself as willing to give up any military sanctions, such as the occupation of part of the Ruhr basin, if the allies would agree upon the economic sanctions.

The British plan, which Belgium, to her regret, could not accept, included a considerable reduction of the German debts, and the reduction of the debts mutually contracted by the European allies during the war. The German debt would be represented by two new kinds of bonds. The first series, of the face value of 50 billions of gold marks, would carry no interest for four years; for the next four years the bonds would pay interest at 4%; at the end of eight years, or in 1931, they would pay 5%. The second series of bonds, of a maximum face value of 17.31 billions of gold marks, the value of the deferred interest of the first series of bonds, could be issued in 1933. Very favorable rates of discount were provided for to encourage the German government to redeem these bonds before maturity. Belgium was only to receive 1900 millions of the face value of those bonds which, at the actual value of 60% and counting the gold mark at 3 francs, represented 3,420 millions of Belgian francs. Belgium was also to receive a certain number of bonds of the second series of which the actual value, according to British calculations, might be fixed at 1662 millions of Belgian francs. But the creation of these bonds was doubtful. When the total amount allotted to Belgium by this plan was compared with the amount of 13 or 14 billions already spent by

Belgium—*cont'd*

Belgium in excess of the reparations received, the large sums still to be paid in pensions, the 10 to 12 billions still needed to complete the restoration of the devastated regions and repair the war damage, it could immediately be seen that Belgium would be placed in a deplorable situation. The report of M. Houtart on the budget had pointed out that 12 billions of Belgian francs was the minimum amount Belgium could receive in actual value without a catastrophe. The acceptance of the British plan would mean the abandonment by Belgium of all hope of receiving one cent for the payment of war pensions or for the restoration of the devastated regions. It would mean ruin for Belgium.

M. Theunis went on to enumerate cases of omission by Germany to pay her reparation debts. According to the treaty, Germany should have delivered two million tons of coal a month. By July, 1920, only 900,000 tons a month were being obtained. The interallied ultimatum requiring a monthly delivery of two million tons on pain of occupation of the Ruhr was instantly effective. The impossibility of making the deliveries urged by the delegates at Spa disappeared immediately, and the two million tons were delivered.

Germany had large forests left intact after the war. France, Britain, Italy and Belgium asked in 1922 for a certain quantity of wood. In the case of the three first countries the wood was to be used for the reconstruction of the devastated areas. The amount delivered by December, 1922, varied from 14% to 54%, Belgium receiving less than the other countries. And yet 31% of the German forests belonged either to the state or to municipalities, and in 1913 they produced 11 times the quantity of wood demanded by the allies.

The treaty provided for the delivery of a number of cattle and the return of a number of horses of Belgian breed stolen during the war. Innumerable difficulties were put in the way of the delivery. In the very smallest matters Germany gave proof of her unwillingness to pay.

Before the war Germany furnished most of Belgium's potato plants; 4500 tons were asked for in 1921 and 412 tons were delivered. The number of tons to be delivered in 1922 was decreased first to 2000 and then to 1000; 173 tons were delivered.

All the deliveries necessary for the restoration of the devastated regions met with so many difficulties that the Bemelmans-Rathenau agreement was made to reduce to the minimum the possibility of friction. The results had been poor.

The German government agreed last July not to incur any expense not authorized by the Reichstag without the consent of the reparation commission. And yet the German government paid without authorization 31 billions of paper marks to the German shipowners as an additional indemnity for the loss of their ships handed over to the allies after the signing of the armistice. That was done without a vote of the Reichstag and without notifying the reparation commission. M. Theunis declared that since the signing of the peace treaty the German government had shown a definite unwillingness to pay reparations of any kind whatever. Germany had allowed capital to leave the country, and had allowed the value of her monetary unit to go down to zero, in order to escape the payment of reparations, and to get rid of her internal debt, while preparing for herself an exceptional financial situation for the future.

After the Conference of Paris it seemed impossible to expect agreement among the allies. At the same time the reparation payments were absolutely indispensable for Belgium and France, if they were not to succumb to the weight of their debts.

M. Poincaré had made it plain that France was determined to exact her due. Belgium could not leave France to act alone. She would support France, while regretting the abstention of Britain. The step decided upon would not be taken in anger or in a spirit of vengeance, but only because all other means had failed.

## France

*Notes on the form of Government of France were printed in the November issue*

## From Official Report of Parliamentary Debates

## CHAMBER OF DEPUTIES

January 9, 1923—Opening meeting of ordinary session of 1923.

January 11—Speech by M. Poincaré on reparations. The sitting was a very noisy one. The presence of Marcel Cachin of the extreme left roused loud protests from the right.

M. Poincaré was cheered by all except the radicals, the radical-socialists and the extreme left. He began by recalling the main points of the French plan which, he said, he had submitted in the hope of its proving acceptable to Britain. He had eliminated all that might be regarded as favorable to a military enterprise or to the establishment of autonomy in the Rhine provinces. He had proposed a solution of the problem of reparations and of interallied debts; he had indicated what measures might be taken for the stabilization of the mark and the reorganization of German finance; and he had enumerated the guarantees that the French government thought necessary. His plan presented the extreme limits of concession to which France was prepared to go. He had proposed to send a number of engineers from the allied countries to superintend the action of the coal syndicate and

to assure the delivery of coke and coal arranged for by the reparation commission; he would also superintend the delivery of wood and see that the payments in kind were carried out. All that, he believed, could be done without the use of military force, and it would have the effect of bringing pressure to bear upon the great industrials who had grown rich at the expense of the people of Germany. Italy and Belgium had agreed as to the necessity for productive guarantees. Great Britain had presented another plan which was based on an immediate large reduction of the German debt, which was not in accordance with the Versailles treaty, and which proposed to place trust in Germany for a longer period without any guarantees. At the same time M. Poincaré thanked Mr. Bonar Law for the courtesy and frankness with which he had stated the ideas of the British government, ideas which had long been those of the British treasury. He went on to point out that the British plan would result in an early restoration of German supremacy in Europe. Nevertheless, he continued, despite their disagreement on the question of reparations, Great Britain and France could discuss matters without compromising their alliance which rested on indelible memories and the permanent interests of the two nations.

France—*cont'd*

M. Poincaré next discussed Germany's default in the delivery of timber and coal. Germany had abundance of both commodities. But, while she refused to deliver them on account of reparations, she had tried to bargain through Herr Stinnes for the exchange of coke for ore. If Germany would not deliver to France the coal she owed her, it was quite natural that France should go and take it from the mines. Germany's voluntary default entitled France alone to take guarantees and the sanctions under the treaty. But France was not alone. There were Belgian and Italian engineers with the French in the Ruhr. He did not despair of having British engineers there also, some day. For France did not wish to depass the limits of the treaty. She was going to Essen and the Ruhr to defend the joint interests of the allies. The removal of the coal syndicate from Essen and the recall of the German ambassadors from Paris and Brussels would avail Germany nothing. The withdrawal of the American troops from Germany was not, as the latter asserted, a measure directed against the French entry into the Ruhr, but merely the execution of a decision taken long before. The French troops who had just passed through the British and American zones had met everywhere with a cordial reception. The abstention of Great Britain had obliged France to take certain measures of prudence which would not otherwise have been necessary. The troops were being employed in support of the engineers and technical experts; they were there neither as conquerors nor as fighters. Great Britain's abstention would also make the seizure of the guarantees less productive.

M. Poincaré went on to say that the Chamber of Deputies must not expect any very considerable returns from the operations. But, he added, small returns were better than nothing. France was convinced that Germany would make no effort to fulfill her obligations, unless pressure were brought to bear on the government and especially on the great industrialists. France had no intention of impoverishing or of ruining Germany, but only of obtaining what she could reasonably claim of the timber and coal that Germany owed her. France would always be ready to confer with Germany, as well as with her own allies, in order to encourage Germany in any sincere efforts she might make towards recovery, and to help her in her attempts to secure an external loan. The French government, the Premier concluded, was confident that it had in delicate circumstances responded to the wishes of the country by putting an end to a too long and too painful series of concessions. The government was conscious of having maintained the rights which France held under the treaty and under the peace of victory.

Several deputies had given notice of their intention to interpellate the government on its foreign policy. But M. Poincaré, to avoid discussion, made the postponement of the interpellations until the first Friday in February a question of confidence. The government was upheld by a vote of 478 to 86.

*January 12*—Discussion of finance resumed and continued till January 26.

*January 15, 16, 18*—Debate on government bill for the amendment of existing legislation concerning the tax on wages.

*January 19*—It was decided that the following should be exempt from the tax on wages and salaries: Artisans working at home or outside who employ no other help but that of members of their family, wife, father, mother, children, grandchildren, or a companion or apprentice, up to the number of five persons, and who confine their activity to the sale of the produce of their work. The same advantage is

granted to the widow of an artisan who carries on her husband's trade with the help of only one workman; to itinerant venders who carry their wares or transport them on handcarts or similar vehicles; to chauffeurs and coachmen who do not own more than two conveyances which they manage and drive themselves, provided that they do not use both at once, and on condition, as far as the chauffeurs are concerned, that their conveyances only contain room for four and that they charge the regulation fare; to fishermen who only sell fish and oysters and shell fish caught by themselves and not bought; to boatmen owning a boat which they manage and navigate themselves.

*January 22*—Modification of tax on automobiles. Luxury tax to be paid only once when automobile leaves factory. Later sales to be subject to turnover tax.

Increase in price of tobacco discussed.

Discussion of tax on games of chance.

The Chamber decided that civil servants desiring to retain their posts should not be retired before 60 or 65 (according as they had active or sedentary occupations) on condition that, when they attained their fifty-fifth or sixtieth year, they be fathers of at least three living children and be able to continue their work.

The House also adopted articles relating to the reorganization of the army and the authorization to the government to reduce to 32 divisions the military force in time of peace.

*January 25*—Contribution of Indo-China to war expenses to be increased by two million francs.

M. Victor Constant proposed a further reduction in the government service of 25,000 employees (50,000 having recently been dismissed), three-fifths of the number to be taken from the service of the liberated regions and the central administration departments in Paris. That would mean a saving of from 200 to 250 million francs, he argued, and would prove to the taxpayers that the government did not want to impose on them any taxes except those that were absolutely indispensable.

M. Reibel, Minister of the Liberated Regions, while appreciating the desire of M. Constant to economize, pointed out that he himself had reduced his staff during 1922 from 25,720 to 15,376 members. Their salaries in 1922 amounted to 131,965,246 francs. He was asking for 1923 the sum of 91,215,000 francs. He expected during 1923 to reduce his force by 4,000 employees, leaving in all 10,000. That was the very most that he could do and carry on the work of the ministry. Debate adjourned.

*January 26*—M. Isaac proposed as an encouragement to large families and a means of increasing the birthrate that a reduction of 80 francs be made in the case of men without families from the 720 francs high cost of living bonus granted to civil servants, and that an increase of 120 francs be made to fathers of families for every child after the first.

M. de Lastegrie, Minister of Finance, pointed out that it was not by granting fathers of families 30 centimes more a day that they would bring about any appreciable result.

M. Vincent Auriol and M. Léon Blum (Socialists) argued that it was unjust to take from some to give to others.

The House finally decided to reduce the bonus by 60 francs a year for employees without dependents, and to increase it by 120 francs a year for each dependent after the first.

Discussion of reduction of 25,000 employees resumed. Number reduced to 15,000.

Budget of 1923 of 23,971,099,877 francs passed by 480 votes to 81.

France—*cont'd*

**February 1**—Bill passed making French pension laws applicable to former soldiers having acquired a right to a pension for disablement in the ranks of the German army and who had become French citizens in accordance with the terms of the treaty of Versailles, and to their widows and dependents.

Adjournment sine die of interpellations on the Ruhr policy of the government voted by 485 to 71.

## SENATE

**January 9**—Opening meeting of ordinary session of 1923.

**January 11**—Speech by M. Poincaré on reparations and the Ruhr policy. Vote in favor of public placarding of the speech.

**January 17**—Debate on turnover tax continued. Amendment to exempt pharmaceutical products and mineral waters defeated.

**January 23**—Bill passed reorganizing the Council of State. Bill passed to reserve employment for former soldiers pensioned for disability as well as for war widows and orphans.

**January 25**—Interpellation by M. Guilloteaux on the consequences of the loss of the cruiser "France" and the reforms required in the hydrographic service of the navy.

**January 26**—Continuation of discussion on loss of cruiser "France." M. d'Estournelles de Constant said that for years he had been pointing out to the Senate the uselessness of the huge capital ships or dreadnaughts that the great powers had been ruining themselves to build. The loss of one of those ships, the smallest of which cost 300 million francs, was a normal accident, especially in France. The only way to avoid accidents was to make as little use of the fleet as possible. The harbors were too small for the modern battleships. Even after a battle cruiser had successfully passed through all the steps incident to its completion, which took from 4 to 6 years, and even could there be found in the colonies harbors sufficiently large to receive them, they were so costly that a sparing use had to be made of them. It cost

a million francs to take one battleship from Brest or Cherbourg to Toulon and back. And so they spent long years in port until they were out of date. They became floating fortresses manned by crews at the mercy of more quickly moving craft. The commander of a dreadnaught must be above all an engineer. He had no longer time to be a sailor. The construction of superdreadnaughts was in contradiction to the geography of France, its naval policy and its resources limited by the exigencies of national defense. A thousand airships would cost much less, and would render a thousand times greater service than one battleship. He believed that Britain and France would never have embarked upon the adventure of the Dardanelles if they had not wanted to use their useless battleships.

France had lost at least nine battleships during the war years of 1915, 1916 and 1917. And in the years of peace since 1907 she had lost six.

The unexpected progress made since the war in aerial and submarine navigation, in the chemistry of explosives, in the use of mines and torpedoes had dealt a deadly blow to the old superstition in favor of too large ships. It was true that they were still being built in Britain and especially in the United States. That was one of those imitations of European errors which the new world had been unable to resist, but which it would regret.

It was not fate or chance that had caused the loss of the "France," it was ignorance.

M. Raiberti, Minister of the Navy, gave a detailed account of the loss of the "France," rehearsing the happenings hour by hour. He affirmed the innocence of Commander Guy. He then went on to give the findings of a commission of inquiry which he had named, and to outline the improvements he intended to introduce into the hydrographic service. He would increase the number of engineers from 17 to 50 and recruit them from trained men and men of experience.

**January 30, 31**—Continuation of discussion of various sections of the turnover tax bill.

## Italy

*Notes on the form of Government of Italy were printed in the November issue*

## From Official Report of Parliamentary Debates

## CHAMBER OF DEPUTIES

**November 16, 1922**—Premier Mussolini made his first appearance before the Chamber of Deputies, and was received with loud cheering except from the socialists. He proceeded to outline his foreign and internal policies. He pointed out that for the second time in ten years the Italian people had disregarded parliament and given itself the government it desired. Every revolution had its rights. He was there to represent and defend the revolution of the "Black Shirts," incorporating it into the history of the nation as the force of development, progress and balance. He had abstained from pushing his victory to extremes. He could have closed parliament and established an entirely fascist government. Instead, he had formed a coalition government, not in order to have a majority in parliament which he did not need, but in order to unite above parties those who desired to save the nation in danger. He thanked his fellow ministers for their cooperation, and rendered tribute to the king, who had saved the country from civil war and bloodshed by refusing to lend himself to reactionary schemes. All Italy's problems had

long ago been solved on paper. But some one was needed to put the solution into practice. The government he represented was determined to do it.

With regard to his foreign policy, Signor Mussolini said that every treaty, good or bad, that had been signed and ratified, must be carried out. A self-respecting state could have no other doctrine. If a treaty should prove to be absurd in its execution, it could then be revised.

Another fundamental principle of Signor Mussolini's foreign policy was the repudiation of all the idealist theories of reconstruction. He admitted the necessary inter-dependence of the economic life of the European countries, and the fact that that economic life must be reconstructed, but he repudiated those methods which only led to idle and confusing conferences. The Italian government, he said, intended to follow a policy of national dignity and utility. It could not afford to be altruistic. There must be policy of give and take. The question was whether the Entente existed in reality, and, if so, what was Italy's position in it. Italy, through the weakness of her government, had lost strong

Italy—*cont'd*

positions on the Adriatic and the Mediterranean, and her fundamental rights were questioned. She had received no colonies, no raw materials, and had been literally crushed by debts incurred in bringing about the common victory. Either the Entente must become a homogeneous, balanced force with equal rights and duties for all, or Italy would resume her liberty of action. He hoped that the former alternative would be realized in view of the renewed ferment in the East and the growing Russo-Turkish-German friendship. Such a foreign policy as he had outlined could not be represented as an imperialist policy. He wanted to follow a policy of peace, not of suicide. He intended to maintain friendly relations with Switzerland, with Jugoslavia, Poland, Rumania and the other Balkan States. He would keep faith with Austria, Hungary and Bulgaria. As far as Turkey was concerned, the necessary guarantees must be given for the freedom of the Straits and the safe-guarding of the interests of Europeans and the Christian minorities. But Turkey must pretend to no more than she was entitled to receive. It must not be forgotten that there were 44,000 Mussulmans in Rumania, 600,000 in Bulgaria, 400,000 in Albania and 1,500,000 in Jugoslavia, a whole world excited by the victory of the Crescent. Italy would negotiate with Russia without meddling with her internal affairs. At Brussels Italy would maintain that debts and reparations could not be discussed separately.

Premier Mussolini's internal policy was summed up in three words: economy, work, discipline. The financial problem was fundamental. The budget must be balanced. All citizens would be free, and all must respect the law at any cost. The State would show its strength even against any excess of the Fascisti which would no longer be justified. He advised the deputies not to make too long speeches. "Let us drop words and get to work for the prosperity and greatness of our country."

*November 17*—Strong vote of confidence in new government of Premier Mussolini by Chamber of Deputies; 307 votes to 116.

\* *November 27*—Decrease of 100,000,000 lire a year in operation of Italian railways decided upon by Minister of Public Works, Gabriele Carnazza.

*December 21*—Premier Mussolini announced his intention of combining the ministry of the Treasury and the Ministry of Finance. Appointment of Signor E. Torre as High Commissioner of State railways. One of the first measures proposed by the new manager was to discharge 40,000 unnecessary employes taken into the service during the Nitti administration.

\* *Notes from this date to the end taken from the Italian press.*

*January 23, 1923*—Statement by Premier Mussolini to his cabinet on the Italian policy with regard to the situation in the Ruhr. The Italian experts, he said, had been sent only to take part in action conducive to economic control, and had received orders to keep away from all deliberations concerning coercive measures. The Italian government had expressed its approval of customs control and the occupation of forest land, but had asked the French government to define the scope and limits of that occupation. The reply of the French government was that the occupation of the Ruhr was not a military proceeding, but was only for the protection of technical commissions sent to the occupied zone. Great Britain seemed to have detached herself from the events in the Ruhr. But that had not prevented the British High Commissioner on the Rhine Commission from declaring that his government would make no objection to the application of sanctions in the district occupied by the British troops. Britain evidently did not want to widen the breach between her policy and that of France.

There had been talk of Italian mediation. But an offer of mediation could not be proposed by Italy. It would be a mistake to expose Italian policy to a failure of that kind. But the Italian government had reminded Germany of the dangers she incurred, and had also called the attention of the French government to the political and economic complications which might follow upon the occupation of the Ruhr. The Italian government could do nothing more under the circumstances. The situation was not ripe for any action on the part of Italy which might help towards a general solution. The Italian government had suggested in London a moratorium of two years and a German internal loan. The adoption of these suggestions would have avoided many grave complications. The Italian Government would continue to do its best to prevent further complications and to restore a state of affairs favorable to a solution of the problem of debts and reparations.

Signor Mussolini also made a report on aviation. At the conclusion of the war Italy had 5000 aeroplanes. The number of these had now been reduced to about 250 of which only about 100 were of effective service and these were of an old model. Of 2000 and more expert pilots at the end of the war scarcely more than a dozen remained, and there were only eight or ten badly kept aviation camps. Signor Mussolini said he intended to devote the sum of 280,000,000 lire to military and civil aviation, and to have a minimum of 750 machines kept in efficient service. Fourteen aviation camps would be restored and 16 new ones created.

*February 6*—Parliament reopened.  
Ratification of Washington Naval Treaty by Chamber of Deputies.

Notes on the Constitution (*cont'd from page 186*)

8. No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall without the Consent of the Congress, accept of any present, Emolument, Office or Title, of any kind whatever, from any King, Prince or foreign State.

This is at once a limitation upon and a grant of power to Congress. It strikingly illustrates the democratic character of the founding fathers who saw the dangers to our republican form of government in the bestowal of titles and insignia so common in the old countries.

One of our attorney generals in giving an official opinion on this subject involving a gift from a foreign prince to an officer of this government, declared that a titular prince, although not reigning, might have the function of bestowing an office or title of nobility or decoration which would clearly fall under the provision. And this same official decided that even a simple remembrance of courtesy, like a photograph which from motives of delicacy recognizes the policy suggested by this clause, falls under the inclusion of "any present . . . of any kind whatever."

BEGINNING NEXT MONTH

# THE CONGRESSIONAL DIGEST

Will Turn Its Attention From the Making of Federal Laws  
To Their Administration

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**I**N EXPLAINING THE WORK OF THE EXECUTIVE AND JUDICIAL BRANCHES OF THE GOVERNMENT, THE POLICY OF PRESENTING FACTS AND PRO AND CON DISCUSSION OF PROBLEMS CONFRONTING THE GOVERNMENT WILL REMAIN UNCHANGED.

## FEATURES OF APRIL NUMBER

**A** N ANALYSIS OF THE CIVIL SERVICE SYSTEM OF THE U. S. GOVERNMENT  
*including*

THE CHANGES ESTABLISHED BY THE NEW RECLASSIFICATION ACT

**F**ITTING THE NEW RURAL CREDITS ACT INTO THE FISCAL OPERATIONS OF THE GOVERNMENT

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